ITALIAN MANPOWER

225 B.C.—A.D. 14

P. A. BRUNT

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TO THE

PROVOST AND FELLOWS

OF

ORIEL COLLEGE

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PREFACE

WHEN lecturing at Oxford in 1959 on the social and economic conditions of the late Roman Republic, I became aware of the need for a new account of demographic developments in Republican Italy. Although in my view K. J. Beloch had discovered the essential truth as long ago as 1886, his findings had never been expounded in English, and more important, objections to them had not been fully answered, and rival hypotheses, based on erroneous arguments and assumptions, retained a delusive attraction for scholars. Moreover, Beloch himself, while relying in part on evidence about the number of men called up for military service, did not bring out the extent of the burden such service must have imposed on the Italians (unless they were far more numerous than he supposed), and the significance of his population estimates for understanding general conditions in Italy was not appreciated. The society and economy of ancient Italy were moulded by war, with its concomitants of conscription, confiscations, devastations, and endemic violence. It was with the aim of linking the history of Italian population with the consequences of war that I undertook to write this book.

The undertaking was larger than I foresaw. Pope has aptly described the scholar's experience.

> Fired at first Sight with what the *Muse* imparts,
> In *fearless Youth* we tempt the Heights of Arts,
> While from the bounded *Level* of our Mind,
> *Short Views* we take, nor see the *Lengths behind*,
> But *more advanc'd*, behold with strange Surprize
> New, distant Scenes of *endless* Science rise! . . .
> Th' *increasing* Prospect *tires* our wandring Eyes,
> Hills peep o'er Hills, and *Alps* on *Alps* arise.

New problems continually appeared, distinct from, yet in various ways essentially connected with, those which were my original concern. These connections, along with my main conclusions, I have tried to make plain in the first chapter, and perhaps the reader may find that the book is not such an ill-assorted congeries of material as a glance at its contents might suggest. But it was not easy to devise a title less than a page in length that would fully cover those contents; *Italian Manpower* has the merit of brevity and was the best, after taking advice, I could think of.

Retarded by teaching, administration, and research in unrelated subjects, the book had to be laid aside for nine months almost every year and

sometimes longer. It was almost complete when A. J. Toynbee's vast work, *Hannibal's Legacy*, was published in 1965. As an admirer of its range, erudition, and lucidity, I was gratified that he had anticipated some of my own conclusions (while leaving something more to be said to confirm them), but was forced to rethink some matters and to take issue with him on many important points.

All this enforced delay, amendment, and enlargement, and delay enabled me to profit by other recent works, though only of those at my disposal by the summer of 1968. (The Addenda, and a few footnotes, refer to some more recent publications.) Probably I have missed much I should have read, but in any event I have aimed to present the ancient evidence rather than to burden the notes with references to scholars who have taken this or that view of a question; where a modern work is cited, it is generally for one of two reasons; it will either be found to contain additional testimony or argumentation, or it will afford the reader the opportunity 'audire alteram partem'. I hope that I have sufficiently acknowledged my more general debts to modern writers, often including those with whom I disagree. It will be clear that I owe most to Beloch. His contributions to Greek and Roman history are well known to all students of those subjects, his eminence in demographic study less familiar to them. Though not published until a generation after his death, his work on the population of medieval and early modern Italy could be regarded by experts as a classic, despite the advance that had been made in the interim in the techniques that historians of population can employ. If any respect is due to the authority a scholar may acquire from wide-ranging studies combined with acumen and prolonged reflection, in this field it belongs to Beloch, and no other is so likely to have had a feeling for the truth, even when the evidence is too meagre for demonstration.

My work rests mainly on literary texts. Perhaps it is too narrowly based; some parts could have been the better for archaeological expertise. I am convinced that it is from archaeology that we can best hope to extend and deepen our understanding of social and economic conditions in ancient Italy. The investigations already carried out in Apulia and south Etruria by J. Bradford and J. B. Ward Perkins, or under their inspiration, have shown the way, and it is with diffidence that I have ventured to qualify some of the provisional conclusions drawn. We also need more local histories or surveys of the kind admirably essayed by U. Kahrstedt, E. Magaldi, and E. T. Salmon for Magna Graecia, Lucania, and Samnium respectively; it will be of the greatest advantage if the authors of such studies can not only draw on knowledge of the classical evidence, literary and archaeological, and of the topography of the country, but will consider what light may be cast from late antiquity and from medieval and modern times on an earlier age; in so far as we can be sure that the material

conditions of life cannot have greatly changed, it may be legitimate to retroject what is only attested centuries later, and local histories may be most valuable, if they bridge the periods conventional in general history.

Among contemporaries I must thank Professor Keith Hopkins and Dr. Israel Shatzman for reading and commenting on parts of the typescript; Dr. Shatzman also checked innumerable references. In correcting the proofs I had the invaluable assistance of Mr. G. E. M. de Ste Croix for the text and of Mr. and Mrs. M. H. Crawford for the Indexes. The vigilance of the readers of the Clarendon Press also detected some mistakes in my script. But my chief creditor is Mr. M. W. Frederiksen. Many years ago I learned much from discussing with him early drafts of some sections, and he finally read the entire script, removed numerous blemishes and gave me new and valuable information. Naturally he is not responsible for errors of detail that may remain, nor indeed are we necessarily in accord on major points. But I shall continue to be greatly in his debt, even if he should later show that some of my principal conclusions are unfounded.

The book was finished where I write, but almost wholly composed in the Oxford college where I first learned and later taught ancient history. It would not have appeared even now but that Oriel College released me for a year from my duties there, and it is to Oriel that it is dedicated most fittingly in gratitude and affection.

P. A. B.

Gonville and Caius College, Cambridge
March 1970

NOTE TO THE REISSUE (1987)

THE Postscript on pp. 717 ff. reinforces or modifies some of the views originally expressed in this book and calls attention to other revisions in the text.

P. A. B.

Brasenose College, Oxford
September 1986

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PART ONE

CENSUS FIGURES AND ITALIAN POPULATION

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I

INTRODUCTION

At the beginning of the first recognizable history we possess Herodotus proclaimed his intention of preserving the fame of great and marvellous deeds. His own work transcended that limit, ranging over men's religious, social, and economic practices, and showed that he had a just conception of what history ought to be, the record of all that men can be known to have done or believed or suffered and not merely an account of great men and great events. But his example was little followed in antiquity, and most of the historical sources on which we depend are almost exclusively concerned with politics and war. The reconstruction of social and economic conditions in Greece and Rome is based on fragmentary and scattered material; for the most part it must be impressionistic, as statistics are wanting. The lack of statistics is naturally a grave obstacle, when we attempt to determine the numbers of any ancient people, and to see whether in any particular era it was rising or falling.

This obstacle does not mean that the attempt is not worth making. An eminent demographer has written that 'for some purposes it may clearly be more useful to have an estimate subject to a 15 or 20 per cent error than no estimate at all'.[1] For antiquity an even wider margin of error may have to be accepted, and the estimate still be better than nothing. It should be obvious that if we have no conception of the numbers of peoples about whom we write and read we cannot envisage them in their concrete reality. What does a statement about the Romans *mean*, if we do not know roughly how many Romans there were? Without such knowledge even politics and war cannot be understood. For instance, a description of Roman political institutions in the third century B.C. could only be misleading if we did not know that the citizen body was so numerous and so scattered that in the absence of the representative principle the democratic features which they seem to manifest were bound to be illusory in practice, and that Rome could consequently not enjoy a genuinely popular government. Success in war, even more evidently, depended largely on the balance between the forces that Rome and her enemies could mobilize. For a study of social and economic questions an assessment of population is indispensable. It must make a difference to our picture of the agrarian troubles that vexed the late Republic, whether we take Italy to have been densely or thinly settled.

[1] D. V. Glass, *PH* 6.

Moreover, the question whether the Italians were able to increase and multiply, or whether the population was stable or actually declining, is in itself one of the highest interest to the social historian. It is, therefore, surprising that modern scholars, with rare and notable exceptions, have shown little concern with the problems involved in estimating the population of Italy in the Republic. Yet data are not lacking, and perhaps permit solutions not less convincing than for conundrums of political conduct and motivation which never cease to exercise the ingenuity of scholars.

The range of disagreement between modern scholars who have examined the population of Republican Italy is great. K. J. Beloch held that about 225 B.C. the entire population, including slaves, of the peninsula can hardly have exceeded 3½ millions, or 4–4½ millions if Cisalpine Gaul were taken into the account. Tenney Frank put the free population of the peninsula alone at about 4 millions. This discrepancy is not very significant, but when they came to the time of Augustus, their estimates were poles apart. For Beloch the citizen population in 28 B.C. was about 3,250,000 souls; to these he added 2 million or more slaves, and perhaps 250,000 free foreigners; the last two figures were, he admitted, guesses, and he added that 'it matters little for our purpose if at the beginning of Augustus' supremacy Italy had a population of 5, 6 or 7 millions'.[1] By contrast, Frank believed that the free population of Italy numbered about 10 millions, to which he added conjecturally 4 million slaves. These assessments belong to different orders of magnitude. If Beloch is right, there may actually have been a net decrease in the free population in the two centuries before Augustus; in particular, there must have been a decline in the native stock of the peninsula, since a significant proportion of the citizens were of servile descent or birth; the main increase had been an enormous accretion in the number of slaves. For Frank the Italians had greatly multiplied, especially in the first century B.C. It is my aim (in Part One) to decide between these rival reconstructions.

Demographic studies have now become fashionable, and new techniques have been evolved to reconstruct population trends in medieval and early modern history, and to supply the lack of explicit contemporary statistics. To ask questions about past ages, which have been suggested by modern preoccupations, and which were not asked by men who lived in those ages, is a legitimate and fruitful way of extending our historical knowledge. Unfortunately, data of the kind now successfully exploited to ascertain the population and the rates of births, marriages, and deaths in sixteenth-century France or England are not available to the historian of Rome. But other material does exist, in the census figures obtained by the Roman state and in evidence on the size of armies. The Romans did not share that disinterest in the size of their citizen body which is evinced by many modern

[1] *Bev.* 436.

scholars. 'The chief contributions to success in war', wrote Livy, 'appear to be the abundance and valour of the soldiers, the talents of the generals, and fortune.'[1] Over a century later the younger Pliny said that he desired to see the fatherland 'increased in every way, but most of all in the number of citizens, for that is the way to provide towns with strength'.[2] It was this anxiety to increase Roman manpower that explains the readiness of Rome to enfranchise foreigners, even whole communities, a feature of Roman policy which tradition traced back to the earliest period of her history, which Philip V of Macedon noted as a source of her power in the late third century B.C.,[3] and which was ultimately to go far in reconciling her subjects to Roman rule. The fear that a decline had begun in the number of Roman citizens, or at least of the *assidui*, those qualified for military service, is said to have spurred Tiberius Gracchus in 133 B.C. to that agrarian reform which inaugurated the period of revolution, and throughout the next century the apprehension of depopulation persisted: it had some part in the legislation by which Augustus sought to encourage marriage, and it is significant that he boasts that the colonies he founded in Italy were populous. Over a hundred years later the same anxieties must have prompted Nerva and Trajan to introduce a system of government subsidies for the maintenance of poor children. Characteristically, the Roman consciousness that manpower was the strength of their state found expression in an institution, the census, which from an early date was taken or supposed to be taken every five years; perhaps intermitted in the confusion of the late Republic, it was revived by Augustus, and again by Claudius, with his love of old Roman traditions.

It is these census figures (Table I) which must form the principal object of any inquiry into the population of ancient Italy. Their meaning and reliability are, however, in dispute. In the view of Beloch the Republican returns relate to all adult male citizens. He came to believe that the returns earlier than the Punic wars were all fictitious. If this be so, the ingenious attempt of A. Afzelius to show in detail from the census figures how at all stages in the Roman conquest of Italy the Romans and their allies enjoyed a numerical preponderance over their enemies was doomed to fail, though the conclusion remains probable,[4] and Frank's endeavour to justify the figures for the fifth and early fourth century by assuming that they relate to all citizens, men, women, and children,[5] must also be rejected. Frank agreed with Beloch that in the middle and late Republic the figures relate to all adult males.

That proposition too is not uncontested. Other scholars have held that the returns excluded citizens who were incapable of bearing arms because

[1] Livy iv. 17, cf. Pol. iii. 89. 8; ix. 26. 4.

[2] Pliny, *Ep.* vii. 31. 1; cf. Dio lvi. 7.

[3] *SIG*[3] 543. 29 ff., cf. H. M. Last, *CAH* xi. 436 f.; Cic. *Balb.* 31; Dion. Hal. cited, p. 539 n. 2.

[4] Afzelius I, *passim*.

[5] *AJP* li, 1930, 321 ff.

of age, poverty, or status. In my judgement Beloch and Frank were right in rejecting all such interpretations; they do not agree with the ancient testimony and the inferences to be drawn from the functions that the Roman census served. Moreover, the census figures cannot be considered *in vacuo*; they must be related to the military effort the Romans had at times to make. What is known of the manpower difficulty Rome experienced in the second Punic war excludes the hypothesis that there was a reserve of citizens who could be called on for military service in emergencies, but who were not registered in the census returns; even then the proportion of *assidui* among the registered citizens was only about 50 per cent. The notion that only *assidui* were registered in the second century also makes nonsense of contemporary fears that there was a decline, actual or impending, in military manpower.[1]

This is not to say that the census returns were accurate. Frank held that all citizens had to come to Rome to register until Caesar provided for local registration in the Italian municipalities, and most scholars have probably adopted this opinion without question. Frank inferred that the return of 70/69, when virtually all the free inhabitants of peninsular Italy were citizens, must have been gravely defective, as large numbers of Italians would not have been prepared to make the journey. By contrast, Caesar's reform permitted Augustus to make a full enumeration in 28. If this view is correct, the census figures should also have been defective in a large and ever-increasing measure before 70, as citizens came to be more and more widely scattered throughout Italy. But I shall try to show that it is mistaken, and that the government allowed local registrations long before Caesar's time. Similarly, I shall argue that local machinery was used for legionary levies even before the enfranchisement of Italy.[2] These conclusions lead me to suggest an account of municipal autonomy in the Republic which somewhat differs from that which is commonly received (Appendix 3). However, comparison with the experience of other countries where censuses have been taken for the purpose of determining liability to conscription and taxation suggests that all the Roman censuses, including those taken by Augustus, are unlikely to have been completely accurate.[3]

The enormous increase in the number of citizens registered, in 70/69, if not in 86/5, is universally believed to reflect the enfranchisement of the Italian allies. (If, indeed, proletarians had not been included in the returns, so long as they were normally ineligible for the legions, it ought also to reflect their inclusion in the returns, now that they had come to be eligible. Freedmen, who were still recruited for the legions only in emergencies, should still have been excluded, both in 70/69 and in the Augustan censuses, though no one seems to have maintained this view. Such theories should be rejected without hesitation.) The return made in 70/69 can be compared

[1] pp. 64–6, 75–7. [2] pp. 35–43; Appendix 19. [3] p. 33.

with the enumeration of Italian manpower made in 225 and reported by Polybius; confused and inaccurate as his report seems to be, it affords some basis for estimating the free population of peninsular Italy at that date. No doubt both the returns of 225 and 70/69 were seriously defective, but a comparison between them suggests that the number of the allies had not greatly increased in the intervening period, and this conclusion is not out of harmony with what we know of the conditions in Italy in the second century, which would lead us to expect a lower rate of growth in allied than in Roman population. Moreover, the course of the Social war suggests that Rome and the loyal allies enjoyed a numerical preponderance over the rebels, and that seems to imply that the enfranchisement of peninsular Italy should not have increased the number of citizens by a factor of over 3.[1]

The sharp discrepancy between Beloch's and Frank's estimates of citizen numbers in 28 B.C. derives from their contradictory interpretations of the Augustan census returns. It would appear that between 70/69 and 28 the number of citizens quadrupled. Beloch found this incredible, and concluded that the Augustan returns were not *in pari materia* with those made in the Republic; for the first time women and some children were included. At first sight this contention is implausible, yet what is the alternative? Frank sought to reconcile the figures by assuming

(1) that even citizens domiciled in Italy were not fully registered before 28;

(2) that a large number of citizens, who had migrated overseas, were not registered in 70, and that their number was swollen in the next 40 years by further emigration, and by enfranchisements of provincials; all these provincial citizens were registered by Augustus;

(3) that the rate of manumissions was very high between 70 and 28;

(4) that the population of Transpadane Gaul, enfranchised in 49, was very large; and

(5) that there was a high rate of natural increase among the old Italian stock in the last age of the Republic.

All these assumptions can be challenged or refuted. (1) There is no sufficient ground for holding that the census of 70/69 was much more gravely defective than those which preceded or followed it. (2) Frank's estimate of the number of citizens living abroad in 70/69, and consequently failing to register, is inflated. It is, however, true that by 28 there had been a vast increase in the number of citizens overseas, and of these a substantial proportion consisted of new citizens. In order to determine within limits the number of citizens overseas, I have closely examined all the information we have for emigration before Caesar and for the foundation of colonies and *municipia* under Caesar, the triumvirs, and Augustus; the analysis permits

[1] Chapters VI–VII; cf. XVII, XX, XXIV.

rough estimates of numbers at the times of the censuses of 70/69, 28, 8, and A.D. 14.[1] This part of the work may incidentally throw some light on the economic, social, and cultural importance of Italian emigration and on the extension of the citizenship from 49 to A.D. 14. (3) Frank's attempt to estimate the number of slaves manumitted in the late Republic is fallacious. Doubtless it was very large, but to a considerable extent one new cohort of freedmen replaced another, which had perished without reproducing itself.[2] (4) By a detailed survey of the development of Gallia Cisalpina, I have tried to ascertain whether we have any means of determining the probable growth of population there after *c.* 200 B.C., which can be used as a check on the Augustan census figures. This survey may have some independent value for students of the region, but for my own purpose the result is negative; we do not know from the regional evidence how densely it was settled in the time of Caesar or Augustus. We are, therefore, free to make whatever demographic assumptions are most congruent with the best interpretation of the Augustan census figures, and cannot use any particular estimate of Cisalpine population to overthrow either Beloch's or Frank's hypothesis.[3] (5) Frank's belief that the years between the rule of Sulla and the Principate of Augustus witnessed a great natural increase in the old Italian population cannot be justified. It follows, therefore, that, if his view of the Augustan figures is right, we must bridge the gap between the enumerations of 70/69 and 28 by still further inflating the number of enfranchisements made in this period or by assuming that the former enumeration was even more defective than he suggests. To my mind, neither alternative is acceptable; the second would involve us in refusing credence to all the earlier censuses, and taking a view quite different from that maintained here about the strain on Roman manpower in the Hannibalic war. Consequently, Beloch's interpretation of the Augustan figures must be right in principle.

In my judgement Frank overestimated the number of the Italian allies enfranchised as a result of the Social war by not taking enough account of factors that must have held back the growth of their population since the Hannibalic war or of the evidence for the desolation of some parts of the peninsula. I have, therefore, thought it necessary to examine at length the evidence on these subjects.[4]

In attempting to describe conditions in parts of Etruria, Latium, and south Italy, as in the survey of Cisalpina, I have invoked evidence from periods other than that with which this book is properly concerned. This procedure is open to obvious objection, and I hope that I have employed it only where it is reasonable to suppose that conditions were unchanged: there was little rapid economic or social development in antiquity. In various parts of this work I have also drawn on what annalists tell us of early

[1] Part Two. [2] pp. 143 ff. [3] Chapter XIII. [4] Chapter XX.

Rome, in the belief that their accounts, though largely fictional, are based on the actual experience of later times.

Frank's assumption that the Italian population was growing fast after 80 derives such plausibility as it has mainly from the settlement of veterans on a large scale in the years down to 28. No complete and realistic survey of these settlements appears to exist, and I have tried to supply the gap.[1] It would seem natural to assume that in so far as they resulted in any increase in the number of small farms at the expense of *latifundia*, they should have made it easier for the poor to raise families and promoted the growth of population. However, in many cases the veterans merely supplanted other peasants, and in many more they failed to make good as farmers. The favourable demographic effects of the schemes of land distribution were counteracted by other factors, above all by the frequency of war and conscription. At one time it was my hope to include in this work an examination of the agrarian problem of the late Republic in its entirety, but it seemed best to defer this to a later publication. In the meantime Chapter XIX may be a useful contribution to discussion, showing the enormous dislocation of property brought about by Sulla, the triumvirs, and Augustus.

If Beloch's estimate of the free population of Italy in the last century B.C. is of the right order, the implication seems to be that the old Italian stock was actually dwindling. We must ask how this could be, considering that Italy was the dominant and most prosperous country in the Roman empire. As in all 'pre-industrial' societies, untouched by modern advances in medicine and hygiene, and relying on rather primitive agricultural methods which limited the supply of foodstuffs, mortality was inevitably high, and particularly in the last century of the Republic it must have been aggravated by the direct and indirect losses of war. Still, a high mortality has not at all times prevented population growth; it may be overbalanced by high fertility; and in the second century at least, when Italy was internally at peace and the foreign wars were not on a great scale, it is puzzling that the free population should have remained nearly stationary, or perhaps declined, if manumissions are left out of account. I shall argue that the explanation must be sought partly in the high incidence of celibacy and childlessness. The poor especially could not afford to marry, or, if married, to raise children. Families were limited by abortion and infanticide, if not by contraception. The impoverishment of so many Italians was itself a function of the huge importation of slaves.[2] Italy was not so thinly peopled as the census figures in themselves suggest, nor were all its 'desolate' regions unpopulated: they were often worked by slaves.[3] The decline of the old Italian stocks and the rapid and steady growth of a servile population are, as it were, two sides of the same medal.

[1] Chapter XIX. [2] Chapter XI.
[3] Chapter XX; for a guess at the number of slaves see Chapter X.

At every stage of my inquiry war and its consequences obtrude. The reliability of early census figures can be controlled by scrutiny of the data on manpower in the Hannibalic war, and what we know of the Social and Sullan wars serves something of the same purpoee for checking the enumeration of 70/69. The number of military colonists settled in the first century both in Italy and overseas can be assessed only after a close scrutiny of what we know about the number of soldiers engaged in the preceding wars. Apart from the mortality due to wars, the call-up of large numbers of Italians for long periods of military service must have had some effect in itself on the marriage- and birth-rates, and by producing impoverishment promoted 'depopulation'. The devastations of the Hannibalic war and in the fighting in Italy during the first century must also have contributed to this effect; the ill consequences of the former have sometimes been exaggerated, and those of the latter generally ignored.[1] Similarly, it is commonly recognized that conscription in the second century had much to do with the decay of the peasantry, but not that it still had this result in the first. On the contrary, it is often thought that military service had now become lucrative and attracted volunteers in plenty. I shall try to show that conscription remained the principal mode of raising troops until Augustus' time.[2] (An inquiry into the procedure of the *dilectus* is intended to correct what I believe to be current errors, and to strengthen my case that the municipalities played an important role in the organization of the state.[3])

The claims made by the state for manpower in the army can be at once reconciled with the estimates proposed for Italian population and shown to constitute one of the chief reasons why the old Italian stocks failed to increase. For this purpose we need to know just how many men were in arms year by year. Many scholars have tabulated the number of legions in service in the Hannibalic war, G. De Sanctis most successfully, and A. Afzelius has done the same service for the number of legions and the strength of allied contingents from 200 to 167. They rely on annalistic evidence, and in accepting their conclusions, I have tried to defend them against the criticisms of M. Gelzer.[4] I have tabulated their results in Chapter XXIII in a summary form, and added a detailed analysis, also summarized in a table, of our evidence on the number of legions employed in each year from 167 to 91; this is novel and conjectural in many points, but the figures cannot be far wrong. Naturally, in order to determine the number of men under arms, we must know also the average strength of the legions at this time; this is discussed in Appendix 25. There remains the problem of the number of allies who were brigaded with a legion; Appendix 26 argues that this varied from time to time. Throughout the second

[1] Chapters XVI, XVIII.
[2] Chapter XXII.
[3] Appendix 19.
[4] Appendix 22.

century the burden of conscription was heavy, especially as it bore upon the limited class of *assidui*.

Next we have to see how many soldiers were engaged in the fighting in Italy in the decade that began in 90. Chapter XXIV provides a rough assessment, which is all that the evidence permits. It is clear that manpower was strained as it had not been since the Hannibalic war.

For the post-Sullan period down to 50 I have investigated the strength of armies in each theatre of operations, and tabulated the results year by year in Chapter XXV. Some of the conclusions cast light on other aspects of Roman history; for instance, the huge number of legions in the field in the late 70s helps to explain the emptiness of the treasury.[1] In Chapter XXVI I have examined in detail the size of armies from 49 to 30.[2]

Once again it is necessary to estimate the average strength of the post-Marian legion; this is attempted in Appendix 27. It appears that many figures for the strength of armies in the late Republic, which have sometimes been accepted by military historians, are notional and unrealistic.

The conspectus of the strength of Roman armies from 218 to 30 may be of use for investigations other than those with which this book is directly concerned. But if my conclusions on the Augustan census figures are right, the demands made on Italian manpower in the 80s, the 70s, and above all in the twenty years of 'discordia, non modo, non ius' that began in 49, were oppressive in the extreme. Italy was exhausted; hence the readiness to welcome a regime that offered peace, and the difficulty of enlisting Italians in the army, once conscription had been abandoned there (though not in the provinces), as a normal mode of recruitment. The wars of the late Republic alone make it inconceivable to me that the freeborn population was fast increasing, especially as no comparable increase is observable under the *Pax Augusta* (Chapter IX).

It will be apparent that this book is not restricted to a mere examination of the census figures. In his epoch-making essay 'On the Populousness of Ancient Nations' David Hume wrote:

> We know not exactly the numbers of any European kingdom, or even city, at present: how can we pretend to calculate those of ancient cities and states, where historians have left us such imperfect traces? For my part, the matter appears so uncertain, that, as I intend to throw together some reflections on that head, I shall intermingle the inquiry concerning *causes* with that concerning *facts*; which ought never to be admitted, where the facts can be ascertained with any tolerable assurance.

Hume's method, however it may be disapproved by modern demographers who have more facts to work on, must still be employed by the student of

[1] Sall. *Or. Cottae* 6 f.; *Ep. Pompei, passim.*

[2] I have been assisted by the previous researches of T. Rice Holmes on the late Republic and of A. von Domaszewski and W. Schmitthenner on the triumviral armies.

the population of Republican Italy, as the only one which can at least enable us to determine whether that population numbered some 14 millions or only 7 or 8.

The word 'probable', or similar expressions, will appear in these pages with distressing frequency. On some occasions one cannot even venture to claim that a proposition is more than possibly true. A philosopher has observed to me that there is little to be gained by stating that something may have been the case, for this logically implies that it may not. The logic cannot be denied; yet it sometimes remains useful to call attention to a mere possibility, if it might otherwise have been taken for granted that its opposite was true, or if there is some chance that once it has been noted, evidence may be discovered to make it certain or likely that it corresponds to the facts. Throughout these investigations it has been my intention to claim no more validity for a proposition than the evidence and arguments warrant, and to abstain from treating a proposition as likely on one page and as unquestionable ten pages later. Reiterations of uncertainty make for tedious reading, but will serve the interests of candour and truth. But when different lines of argument, each by itself no more than probable, converge, the conclusion that results has a stronger claim to be accepted than any one of the arguments that lead to it, and may become as nearly certain as most historical propositions. This seems to me to hold of the interpretation of the census figures adopted here.

In that interpretation I have found myself obliged in general to follow Beloch, and have sought to supplement and reinforce his arguments. In his *Bevölkerung der griechisch-römischen Welt* Beloch deliberately gave minimum estimates of population, and he more than once admitted in later works that they might have been too low. It is certainly necessary in my view to concede, as he himself did, that the census figures, Republican and Augustan alike, were defective, and that the number of citizens was greater than they suggest. They will not then yield any exact assessment of the free population, but if Beloch is correct, they must set an upper as well as a lower limit to any estimate that can be regarded as credible. Something of the order of 5 to 6 million citizens, including men, women, and children over the age of one, should be the maximum for the time of Augustus, and of these not many more than 4 millions can have been domiciled in Italy, though the total number of inhabitants, including infants, free foreigners, and slaves, may have exceeded 7 millions.

This conspectus of the inquiry that follows is designed to guide the reader through its intricacies, and not to predetermine his conclusions. My own interest in the subject was first evoked by the writings of Frank; at one time I supposed his views to be correct, and so far as I am aware, no other scholar apart from Beloch himself has made a more systematic study of the evidence. But the more I have reflected, the more convinced I have become

that Beloch was fundamentally right, and that no reconstruction which arrives at figures of a different magnitude can be harmonized, not with this or that particular datum, but with all the evidence in its full complexity. We must follow the argument whithersoever it leads.

TABLE I

ROMAN CENSUS FIGURES

508	130,000	Dionys. v. 20.
503	120,000	Hieronym. Ol. 69. 1.
498	150,700	Dionys. v. 75.
493	110,000	Dionys. vi. 96.
474	103,000	Dionys. ix. 36.
465	104,714	Livy iii. 3.
459	117,319	Livy iii. 24; Eutrop. i. 16.
393/2	152,573	Pliny, *NH* xxxiii. 16.
340/39	165,000	Euseb. Ol. 110. 1 (cf. Beloch, *Bev.* 340 n. 9). See pp. 27 ff.
c. 323	150,000	Oros. v. 22. 2; Eutrop. v. 9; the MSS. figure in Livy ix. 19 (250,000) should be amended; likewise that in Plut. 326 c (130,000). Cf. Beloch, *Bev.* 341. See pp. 27 ff.
294/3	262,321	Livy x. 47; for variants see Beloch 343. See pp. 27 ff.
289/8(?)	272,000	*Per.* Liv. xi. See pp. 27 ff.
280/79	287,222	Ibid. xiii.
276/5	271,224	Ibid. xiv.
265/4	292,234 (or 292, 334. *Per.* Liv. xvi gives 382,233)	Eutrop. ii. 18, and Greek translation.
252/1	297,797	*Per.* Liv. xviii.
247/6	241,712	Ibid. xix.
241/0	260,000	Hieronym. Ol. 134. 1 (Euseb. Armen. Ol. 134. 3, gives 250,000, cf. Beloch 344 n. 2).
234/3	270,713	*Per.* Liv. xx. See Ch. IV.
209/8	137,108 (perhaps rather 237,108)	Livy xxvii. 36; so too in the *Periocha*; see p. 62.
204/3	214,000	Livy xxix. 37 and *Per.* See pp. 62 ff.
194/3	143,704 (perhaps rather 243,704)	Livy xxxv. 9. Cf. p. 71.
189/8	258,318 (258,310. *Per.* Liv. xxxviii)	Livy xxxviii. 36.
179/8	258,794	*Per.* Liv. xli. See pp. 71 ff.
174/3	269,015 (267,231. *Per.* Liv. xlii)	Livy xlii. 10. See pp. 71 ff.
169/8	312,805	*Per.* Liv. xlv. See p. 74.
164/3	337,022 (Plut. *Paul.* 38 gives 337,452)	Ibid. xlvi
159/8	328,316	Ibid. xlvii.
154/3	324,000	Ibid. xlviii.
147/6	322,000	Euseb. Armen. Ol. 158. 3.
142/1	327,442	*Per.* Liv. liv.
136/5	317,933	Ibid. lvi.
131/0	318,823	Ibid. lix. Cf. pp. 79 f.
125/4	394,736 (?294,336)	Ibid. lx. Cf. pp. 77 ff.
115/4	394,336 (?)	Ibid. lxiii. Cf. pp. 77 ff.
86/5	463,000 (or, if amended, 963,000)	Hieronym. Ol. 173. 4. Ch. VII.

70/69	910,000	Phlegon (Jacoby no. 257) F. 12. 6. *Per.* Liv. xcviii gives 900,000. Ch. VII.
28	4,063,000	*Res Gestae* 8. 2. Ch. IX.
8	4,233,000	Ibid. 8. 3. Ch. IX.
A.D. 14	4,937,000	Ibid. 8. 4. The *Fasti Ostienses* give 4,100,900 (Ehrenberg and Jones, *Documents Illustrating Reigns of Aug. and Tib.* 40), see pp. 119 f.

II

WHAT DO THE CENSUS FIGURES REPRESENT?

THE Roman census was taken normally every five years. It was the duty of citizens who were 'sui iuris'[1] to appear before the competent authorities and to give the information required under the *formula censoria* on oath.[2] A document of the late Republic, the Table of Heraclea, shows that they had to state their names in full ('nomina, praenomina, . . . cognomina'), the names of their fathers (or, if they were freedmen, their patrons), their ages, and their property;[3] from other sources we know that property included land in Italy,[4] farm equipment,[5] slaves,[6] clothing and jewels,[7] ready cash,[8] money on loan,[9] and presumably everything they owned—for we have no systematic account—except that land[10] (and perhaps other property) held in the provinces was not entered; normally they were responsible themselves for assessing the value of their assets[11] and liable to confiscation for under-assessment,[12] though the censors could fix their own arbitrary valuations.[13] In addition, though this is not made explicit in the Table of Heraclea, each had to state the number of his children *in potestate*, and to record the name of his wife, perhaps only if she was *in manu* or *sui iuris*; if she remained *in potestate* of her own father, her name would appear in his return.[14] Citizens unable for good reason to appear

[1] Livy xliii. 14. 8.

[2] The Table of Heraclea (*FIRA* i. 13. 142 ff.) requires municipal magistrates to obtain declarations 'ex formula census, quae Romae ab eo, qui tum censum populi acturus erit, proposita erit, ab eeis iurateis' (sc. the local citizens); cf. Livy xliii. 14. 5; Dion. Hal. iv. 15. 6; Gell. iv. 20. 3.

[3] See note 2. Compare the procedure in the allied city of Bantia, *FIRA* i. 16. 4, as translated from Oscan: 'cum censores Bantiae populum censebunt, qui civis Bantinus erit, censetor ipse et pecuniam, quae lege il censores proposuerint'.)

[4] Festus 50 L; Lex Agraria (*FIRA* no. 8), 8, cf. n. 10.

[5] Gell. vi. 11. 9, quoting P. Scipio, consul 147 B.C.

[6] Cic. *Leg.* iii. 7 ('familiae'); Livy xxxix. 44. 3.

[7] Livy xxxix. 44. 1–2. [8] Cic. *Flacc.* 80; Festus 322 L.

[9] Livy vi. 27. 6, 31. 2 (based no doubt on practice in later times).

[10] Cic. *Flacc.* 80. Such property was liable to provincial taxation, not to Roman *tributum*.

[11] Festus 51 L. [12] Dio xlvii. 16.

[13] Livy xxxix. 44; Dio xlvii. 16.

[14] Cic. *Leg.* iii. 7: 'censores populi aevitates, suboles, familias pecuniasque censento'; cf. Dion. Hal. iv. 15. 6. The Table of Heraclea requires registration of *all* the citizen inhabitants of municipalities.

in person could appoint representatives.[1] The names and property of widows and orphans were also declared, presumably by their guardians.[2] There were severe penalties for failure to make a declaration (p. 33).

These *professiones* enabled the censors to place each citizen in his appropriate tribe, originally at least a local unit determine.] by his domicile,[3] and property-class, and thus

(*a*) to fix his liability to the direct property tax called *tributum*;[4]

(*b*) to determine his obligation to military service, which until Marius depended on his property;

(*c*) to assign him to the class in which he would exercise his right to vote.

Our sources usually record the totals of citizens registered.[5] At one time Mommsen held that only citizens *in sua potestate*, those who made the declarations or on whose behalf they were made by representatives, were included in these totals.[6] This view has been universally discarded. But there is no agreement on the question who were included. The information in the *professiones* of course made it possible for the government to record the number of all men, women, and children, indeed even slaves; but the fact that the figures expressly relate to citizens naturally excludes the last. Mommsen came to believe that the returns comprised only *iuniores*, men aged seventeen to forty-six. On this view the government was interested only in the number of those capable of serving in the field (or at sea).[7] Herzog maintained that only the *assidui* were enumerated, men qualified for legionary service by their property; the very poor, and the freedmen, were thus omitted.[8] This hypothesis has recently been accepted without argument by Gabba.[9] Beloch held that the numbers are those of all adult males without distinction of age or property, even of *cives sine suffragio*.[10]

[1] Kubitschek, *RE* iii. 1914, infers this from Varro, *LL* vi. 86, where the censors invite the attendance of all citizens including 'qui pro altero rationem dare volet'. On this text see Appendix 4. [2] Cf. p. 22. [3] Taylor, *VD*, chs. 1–2.

[4] Varro, *LL* v. 181: 'tributum a singulis pro portione census exigebatur.'

[5] 'Census sunt capita civium tot.'

[6] *StR* ii' 371; so [Dion. Hal. iv. 22. 2; ix. 36. 3]; however, it would be incomprehensible that the Roman state should attach any importance to figures irrelevant to military strength (including some minors and excluding many men of military age); and the implied population would be too large. Cf. Appendix 4.

[7] *StR* ii. 410 ff., expressly including *proletarii*. In i. 506 n. 2, 508 n. 1 Mommsen seems to prove (see esp. *Dig.* iii. 1. 1. 3) that when a Roman spoke of a man as under 17 or in his 17th year he meant that he had not yet completed his 17th year. Normally liability for service in the field thus extended from the 19th to the 47th birthday, but for exceptional conscription of younger boys see p. 399 n. 3. Mommsen also remarks that in their first year *iuniores* were usually reserved for *tirocinium* and not called up for fighting; cf. Cic. *Cael.* 11.

[8] *Commentationes in honorem Mommseni* 124 ff.

[9] *Athen.* xxvii, 1949, 189 ff.; in xxx, 1952, 16 ff. he refutes F. C. Bourne, *Cl. Weekly* xlv, 1952, 129 ff.

[10] *Bev.* 312 ff.; cf. the polemic in *Klio* iii. 471 ff. against Nissen ii. 112 ff. (who followed Mommsen). Other writers are cited by Toynbee i. 455, who follows Beloch.

We may first examine the question whether the *cives sine suffragio* were included. These Campanians, Caerites, Volscians, Sabines, etc., on whom Rome bestowed what Mommsen called the 'half-citizenship' in the fourth and third centuries, either were or were among the original *municipes*, that is to say, they were bound to perform the *munera* of citizens in return for sharing in their private rights.

It is the most probable interpretation of a rather muddled text from Paul's epitome of Festus (Appendix 3) that the *cives sine suffragio* served in the Roman legions. That has indeed been doubted or denied. Dionysius lists Campanians, Sabines, and Volscians as providing separate contingents at Ausculum in 279. If he is right, we could still suppose that the half-citizens were incorporated in the legions, as they became more Romanized. Polybius represents the levy for the legions as conducted on a tribal basis; as the half-citizens were not registered in the tribes, it would seem to follow that they cannot have served in the legions. I shall try to show, however, in Appendix 19 that Polybius' account of the levy cannot be true for the historic period, when it was organized on a local basis; if, as suggested, he was blindly following an out-of-date source, that source too might be relevant only to an earlier time when the half-citizens may have been segregated in units of their own. Polybius' allusion to a mass levy of Sabines in 225 might also suggest that even at that time half-citizens were not incorporated in the legions; in my view, however, it is probably a mistake to hold that any Sabines then lacked the full citizenship; and in any event what Polybius tells us is that a tumultuary levy was ordered in the Sabine country; this has no implications for their legal status or normal military obligations.[1] Heurgon also argued that the Campanians at least did not serve in the legions at the outset of the Hannibalic war. Of his three arguments two are certainly invalid.[2] (1) He holds that the 300 Campanian horse garrisoning Sicilian towns in 216 cannot be legionary horse, since Polybius allows only 200 horse to a legion.[3] But there were two legions stationed in Sicily,[4] Polybius himself at other times allows 300 horse per legion,[5] and there is no objection to assuming that half the legionary cavalry in Sicily were Campanians. (2) He says that military service did not figure among the Campanian grievances in 216, but the opposite conclusion might be drawn from the demand Capua is said to have made of Hannibal that none of her citizens should be conscribed for service.[6] (3) He remarks that on her revolt Capua was concerned only with the fate of the 300 cavalry in Sicily, and that it seems as if no other Campanians were then serving in Roman armies. This is true, and mysterious, since Campanian *equites* are

[1] Festus 117 L; Dion. Hal. xx. 1, [but cf. Ilari (cited p. 725), 150.] Sabines: p. 49.
[2] *Recherches*, 201 ff. He himself rightly explains the *legio Campana* of *Per.* Livy xii as a mercenary force, not a legion of the Roman army.
[3] Livy xxiii. 4. 8, 7. 2, 31. 10.
[4] Livy xxiii. 31. 4, 32. 2, cf. Pol. iii. 75. 4.
[5] Appendix 26.
[6] Livy xxiii. 7. 1.

attested at the battles of Sentinum, Ausculum, and Trasimenus.[1] The mystery does not vanish if the Campanians normally served not in the legions but in separate cohorts. If the silence of our sources is proof that in 216 there were no Campanians in Roman armies except for the cavalry in Sicily, then we must assume that for unknown reasons the Roman government had by that year virtually exempted them from this *munus*, yet 34,000 Campanians (p. 19 n. 4) might have been expected to have furnished some 10,000 men, since up to the time of their revolt about 30 per cent of all the Roman adult males who had probably registered in the last pre-war census had been enrolled in the army (p. 419). But by parity of reasoning we should then also have to suppose that none of the peoples who revolted in 216–215 had any soldiers in the allied cohorts which formed part of Roman armies in Spain, Sicily, and Sardinia, for our sources say absolutely nothing of the problem that such potentially disloyal soldiers presented, or of any measures taken by the senate or by Roman commanders to obviate the danger. It seems too much to suppose that every one of these peoples had been excused military contributions, and yet, if we do not make this assumption, we have no better right to hold that there were no Campanians, except for the 300 *equites*, in Roman armies. Of course, we *hear* of these *equites*, because they were drawn from the Campanian nobility, and their fate was of special concern to the aristocratic ruling class at Capua. In fact, they proved loyal to Rome and were rewarded (p. 17 n. 3). Perhaps we can suppose that in general the soldiers of allied communities, already serving in Roman armies, remained faithful out of *camaraderie* or because of the difficulty of desertion.

Livy says that in the winter of 215/14, in defending their territory, the Campanians 'sex milia armatorum habebant, peditem imbellem, equitatu plus poterant'. The 'unwarlike foot' are plainly *proletarii*, unused to fighting. It would be very surprising if out of 30,000 registered Campanians other than *equites* (p. 17 n. 3) only 6,000 were *assidui* of age for service in the field. On the other hand, if the Campanians had already lost the service of 8,000 *assidui*, killed or still serving in Roman armies, the proportion of *proletarii* is similar to that which seems to have obtained among Roman citizens in general at this time (p. 66). Since the Romans had called up only perhaps 4,500 *equites* (300 for each of 15 legions) before Cannae, out of a total of 23,000 in 225, we might expect that only a little under one-fifth of the 4,000 Campanian horse had been lost to Capua, and Livy's statement that the Campanians 'equitatu plus poterant' is fully intelligible. It is true that Livy also credits the Campanians with a force of 14,000 armed men on an earlier expedition against Cumae, but they then probably took out *proletarii* for depredations. Of this army 2,000 are said to have been lost; they may have included both *assidui* and *proletarii*.[2]

[1] [Livy x. 26. 14, 29. 12, xxii. 13. 2,] p. 17 n. 1. [2] xxiii. 46. 11; cf. 35. 13 and 19.

Thus, there are no good positive grounds for denying that half-citizens were serving in the legions by the time of the Hannibalic war. But can we prove that they did?

It might seem that the mere facts that no separate units of half-citizens are attested within the period from 218 for which we have detailed records, and that the Roman army is represented as consisting of legions and Latin and allied cohorts indicates that the half-citizens, not being 'allies', must have been enrolled in the legions; Polybius, for instance, never mentions them. But there are very few allusions to the ethnic composition of any 'allied' cohorts,[1] and the term *socii* is used by Livy of the Campanians and of other half-citizens, and by Tacitus even of Italian towns in the Principate.[2] Linguistic differences might have made it convenient at one time to place the half-citizens in their own units,[3] and the practice might have gradually disappeared as those differences did, perhaps by the time of the Hannibalic war. The fact that the ratio between citizens and allies in Roman armies at times approximates in this period to parity (Appendix 26) may indeed suggest that the half-citizens must have served in the legions. However, we cannot prove, except by excessive reliance on Paulus' epitome of Festus, that the half-citizens were liable for legionary service in the Hannibalic war and must, therefore, have been registered in the Roman census. Rather, we shall have to show that they were so registered and infer that they already served in the legions.

Livy makes the consul, Varro, aver in 216 that the Capuans had 30,000 foot and 4,000 horse.[4] If these figures are authentic, they would probably have been drawn from the last pre-war census. But Capua had her own censors[5] who might have registered the Capuans locally, without also transmitting the return to Rome for inclusion in the Roman figures. Bernardi has argued that they were never registered at Rome until 189 when 'Campani, ubi censerentur, senatum consuluerunt; decretum uti Romae censerentur.'[6] But after their revolt, the Campanians lost not only their local self-government but their citizen rights too; the decision that they were to be registered at Rome was a prelude to their recovering the private rights of citizens;[7] in the meantime, from 211 to 189, there was no purpose in registering them at all,[8] and the fact that after 189 they were to be registered at Rome does not imply that in the past twenty years they had been registered at Capua. It is only on the ground that their magistrates

[1] Toynbee i. 426 nn. 4–5 lists the few texts.
[2] Livy xxiii. 5. 1; xxviii. 45. 13 ff. (Caere); Tac. *Ann.* i. 79.
[3] Cumae did not use Latin officially till 180, Livy xl. 42.
[4] Livy xxiii. 5. 15. See Beloch, *Campanien*², 1890, 455 ff.; he supposed that the figures related to the whole Campanian prefecture, including Cumae, Acerrae, and Suessula. In my view this prefecture was of later origin (Appendix 3), and the figures should relate only to the people of the Campanian federation, and I have so interpreted them *passim*.
[5] Heurgon, *Recherches* 236 f.
[6] *Athen.* xvi, 1938, 249 on Livy xxxviii. 28. 4.
[7] Livy xxxviii. 36. 5.
[8] See pp. 62–4.

seem to have had considerable authority before the revolt that we may reasonably conjecture that their own censors took the local census down to 216. And that does not exclude the possibility that the returns, at least in summary form, were transmitted to Rome.

Polybius gives a total in 225 for Romans and Campanians taken together. If the Campanians had not been entered on Roman census returns, he would surely have given two separate totals. Moreover, the total he gives can be shown to derive from the Roman census.[1] We may then take it that even though the work of registering the Campanians was probably remitted to censors at Capua—and similar arrangements were probably made for other communities of 'half-citizens'—their lists were sent to Rome, and that the totals of *capita civium Romanorum* registered included the Campanians.

The Roman government kept lists of the Caerites, who were also *cives sine suffragio*.[2] It became the practice to enter on the *Caeritum tabulae* the names of other citizens who were deprived of the vote by the censors. Gellius thought that Caere was the first city to receive 'half-citizenship', but this belief is not acceptable; it seems more likely that the *Caeritum tabulae* were at some stage chosen as the roll for citizens deprived of their vote because the Caerites were the *last* remaining class of half-citizens, the others having been already granted the vote and assigned their appropriate tribes.[3] (Since 'half-citizens' lacked political rights, they had to be segregated in census-records from the full citizens, registered in tribes and classes.) At an earlier date there should have been *tabulae* at Rome for each of the communities of half-citizens.

Afzelius held that the half-citizens were not included in the Roman census totals, on the ground that the accretion of numbers between the censuses of 276/5 and 265/4 could be explained by the full enfranchisement of some of the Sabines. But, as will be shown later, the census figures of this period are unreliable, and his argument fails.[4] It seems probable that all *cives sine suffragio* were raised to full citizenship before 90, and even before the time of the Gracchi, though we know the date (188) only for Arpinum, Formiae, and Fundi.[5] It is not necessary to invoke these enfranchisements to explain any of the second-century census totals. On the other hand, it is possible to accommodate 30,000 Campanians once more within the census total for 189/8,[6] although Livy gives no indication that

[1] See pp. 46 f.

[2] The *censor perpetuus* later found at Caere (*ILS* 6577–8) probably went back to early days and was responsible for making returns to Rome.

[3] See Appendix 1.

[4] Chapter III, section i.

[5] Livy xxxviii. 36. 7 ff. It is plausible (cf. Afzelius I, 24 f.) that communities nearer to Rome and therefore more rapidly Romanized secured full citizenship earlier; this is certain for Velitrae before the Hannibalic war (Suet. *Aug.* 1–2). For the general question cf. Brunt, *JRS* lv, 1965, 93.

[6] See Table VII (p. 72).

their rehabilitation as yet extended to the grant of political privileges, which they had not possessed before their revolt. Thus the second century census returns are perfectly compatible with the view that *cives sine suffragio* were included.

But the Campanians appear to have enjoyed more rather than less autonomy before 216 than other *municipes*. If they were already registered at Rome, we may be sure that the other half-citizens were.

What then of the view that the census lists excluded the old, or that they excluded the poor? They depend chiefly on interpretations of the evidence of Fabius Pictor and Polybius, our oldest and best authorities. Fabius Pictor represented the figures as comprising those who could bear arms. Thus Livy writes of the Servian census: 'milia octoginta eo lustro civium censa dicuntur; adicit scriptorum antiquissimus Fabius Pictor, eorum qui arma ferre possent eum numerum fuisse.'[1] Again, in his account of the military strength of Italy in 225 which goes back to Fabius, Polybius gives professedly the numbers of men who could bear arms, and includes in his total the number of Roman citizens registered in the most recent census.[2] Since *proletarii* were physically capable of bearing arms, the theory that the census totals include only the *assidui* really offers a rather less plausible interpretation of these texts than that of Mommsen, who believed that the *seniores* were excluded as they could not 'bear arms'. Mommsen also cited various passages[3] in which Dionysius refers the census figures to 'men in their prime'. But this phrase does not exclude *seniores*; in one of these passages (v. 75. 4) Dionysius expressly includes them! In fact garrison duty and on occasions field service was required even of citizens over the age of 46; in this sense they too were able to bear arms.[4] The only class of citizens (apart from the infirm) of whom it might truly be said that they *could* not bear arms was in fact that of men over 60. As the expectation of life must then have been much lower than it is to-day, especially in view of the frequent wars, this class will not have been very large. If Fabius desired to stress the numerical strength of the Romans, which is clear enough, he will not have been guilty of a grave error in assuming that the men registered on the census lists were all available for military service.

It is indeed quite clear that *seniores*, including men over 60, must have been registered somehow, if only for purposes of taxation. The capital levy called *tributum* was imposed regularly year by year on all men of property until 168 B.C.; thereafter it was suspended, not abolished, and in civil wars it was revived.[5] We should therefore expect that all citizens with the

[1] Livy i. 44. 2.

[2] Pol. ii. 24. 14–16, see Chapter IV.

[3] In v. 20, 75. 4; vi. 63. 4; ix. 25. 2, 36. 3; xi. 63 he uses such phrases as *οἱ ἐν ἥβῃ* (cf. Pol. ii. 23. 9: *τῶν ἐν ταῖς ἡλικίαις*) or *οἱ ἔχοντες τὴν στρατευσίμουν ἡλικίαν*.

[4] Livy i. 43. 2; xlii. 33. 4.

[5] *Tributum* was suspended in 168 (Cic. *Off.* ii. 76; Val. Max. iv. 3. 8; Pliny, *NH* xxxiii. 56; Plut. *Aem. Paul.* 38) but not abolished (Cic., loc. cit.; cf. *Flacc.* 80; *Phil.* ii. 93),

requisite property, whether ingenuous or servile by birth, and whether over or under 46 or 60, must have been registered. And we actually hear of *patres familias* registering themselves and their adult sons.[1] But many or most such fathers would have been over 46. It is then certain that *seniores* registered. Strictly it does not follow from this that they were included in the published totals. But another consideration should establish this. Widows and orphans, who were not liable to *tributum* on the property they owned, but who at one time paid a special tax called *aes equestre*,[2] were entered on a special register, and the returns made by the censors gave totals of 'so many citizens, not counting widows and orphans'.[3] But if the censors were so particular as to make clear that taxpayers of this class were separately listed, why did they not also make an exception for the far more important class of men over 46 liable to *tributum*? There can be only one reply: the latter were included in the totals of citizens.[4]

It is indeed the plain meaning of the formula 'censa sunt capita civium tot' that the totals comprise all adult male citizens. The very fact that the poorest class were termed 'capite censi' seems to show that they too were included, even though they had no property to declare, nothing but their 'capita'.[5] How then can it be affirmed that the totals comprised only the *assidui*? Even the poorest and the freedmen could 'bear arms', if they were physically fit. It is of course true that for legionary service free birth was normally required, and until Marius' time a property qualification. But the poor, who lacked this qualification, and even the freedmen were regularly used in the fleet, and until the middle of the second century the strength of

and reimposed in 43 (*Fam.* xii. 30. 4; *ad Brut.* i. 18. 5; Plut., loc. cit.); see also for triumviral levies App. *BC* iv. 5; v. 67, 92, 130; Dio xlix. 15. 3, perhaps l. 20. 3; li. 2. Irregular levies in the 80s cannot be excluded *e silentio*, given the paucity of evidence. Cic. *Rep.* ii. 40 says that property of 1,500 *denarii* or more was liable.

[1] Festus 58 L.: 'dulcensus dicebatur cum altero, id est cum filio census'; cf. Dion. Hal. v. 75. 4; Livy xliii. 14. 8 (censors' edict regarding certain soldiers 'qui in patria aut avi potestate essent, eorum nomina ad se ederentur (sc. by *pater* or *avus*)'). *Tabulae iuniorum* (Livy xxiv. 18. 7) imply *tabulae seniorum* (Toynbee i. 460 n. 1).

[2] Festus 71, 91, 247, 308 L. s.v. *Equestre Aes*, *Hordiarium Aes*, *Paribus Equis*, *Vectigal*; Cic. *Rep.* ii. 36; Livy i. 43. 9; Plut. *Cam.* 2; *Publ.* 12.

[3] Livy iii. 3. 9: 'census civium capita CIIIIDCCXIV praeter orbos orbasque' (viz. orphans and widows; cf. *StR* II³. 365 f.); *Per.* Liv. lix: 'praeter ⟨pupillos⟩ pupillas et viduas'. Cf. Toynbee 463. [*Viduae* included unmarried women, Labeo, *Dig.* l. 16. 242. 3.]

[4] *Contra* T. Schulz, *Mnemosyne*, 1937, 166 ff., who argues from modern analogies that if men over 60 were excluded, they with women and children would have constituted three times the adult males aged 17–60 and remarks that according to Dionysius ix. 25. 2 the women, children, slaves, traders, and craftsmen (who in his view were not citizens) were three times the number of *censi*. But (*a*) Dionysius does not mention the old as excluded; (*b*) he does mention slaves and metics, of whom there was probably never any computation, so that his guess is worthless; (*c*) the number of men over 60 was probably so small that the modern analogies fail.

[5] Cic. *Rep.* ii. 40 and Festus, s.v. *proletarium*, 253 L., equate them with *proletarii*; Gellius tries to distinguish them (xvi. 10. 10), but cf. *StR* iii³. 237–8; Gabba, *Athen.* xxvii, 1949, 175 ff.

her fleet was of vital importance to Rome. If the Roman government wished to know its resources in manpower, it was therefore not irrelevant that these people should be counted. Moreover, the census totals included *seniores* whose age debarred them from such service; it follows that the census lists were not confined to potential legionaries. And in emergencies the property qualification for legionary service was set aside or reduced. The obligation to some kind of military service rested on all adult males who could physically perform it, and though it lay within the discretion of the government to determine what kind they would demand of the poor and of the freedmen, these people are not excluded from the class of those who could bear arms; the government needed to know their numbers.[1]

It may indeed be said that it does not follow that they were actually enumerated in the census totals. There is no doubt that separate lists were kept of different categories of citizens, for instance of the *cives sine suffragio* (*supra*). Livy refers to 'iuniorum tabulae',[2] the lists of men normally available for legionary service, who would of course also have voted in the appropriate tribal centuries of *iuniores*. It is obvious that for electoral purposes alone the poor who were 'infra classem' were distinguished from those registered in the classes. But there is nothing in this to suggest that *capite censi* or freedmen were not enumerated in making up the totals. If this had been so, we might expect that somewhere there would be preserved a reference to their exclusion and also to their enumeration in a separate list, like that of the widows and orphans. If the last class was important to the state because of the financial contributions they could make, the poor were no less important for their naval and occasional military duties. And as for the freedmen, they could not only be required to row in the fleet: some of them might be rich enough to pay *tributum*.

Beloch's view is decisively confirmed, as he himself showed, by the grave shortage of manpower in the Hannibalic war. Indeed, if the evidence of Livy can be trusted, the *assidui*, so far from being the only citizens enumerated in the census-totals, hardly comprised more than half of those who were (p. 66). Moreover, the fear of a decline in manpower felt in the Gracchan period is unintelligible, if only *assidui* were counted in the totals; at that time the number of citizens returned was much higher than it had been before the Hannibalic war, even though a slight decline had recently been registered, and we can only comprehend the anxiety that was then expressed by supposing that there was a much steeper decline in the proportion of *assidui* (pp. 75 ff.). Finally, the strain on manpower to which Rome was again subjected in 90–89, at a time when *proletarii* had come to be regularly employed in the legions, strongly suggests that the number of all citizens did not greatly exceed the number registered in the late second century (Chapter VII). By that time *proletarii* probably comprised the great

[1] See Chapter XXII for this paragraph. [2] Liv. xxxiv. 18. 7.

majority of the citizens; Dionysius says, indeed, that they had outnumbered all citizens in the days of Servius Tullius,[1] probably an inference from the proportion that existed in his own time. Gabba's revival of Herzog's theory thus falls to the ground, and we can accept the most natural inference from the use of the term *capite censi*: even the poorest adult males were included in the census returns.

Finally we must remember that the census did not exist only for financial and military ends: the censors had also to determine in what tribe and class citizens were to vote. In the centuriate assembly *seniores* exercised disproportionate influence, and the poor counted for little. But they were equal to the rich in the *concilium plebis*. Even freedmen were not debarred from voting, though most of them were confined to the four urban tribes.[2] All citizens should then have been included in the census lists, irrespective of age, birth, or property, if only to fix their voting rights. It was maintained that to exclude a man from the census was tantamount to depriving him of citizenship and liberty.[3]

The view that all adult male citizens were registered and counted in the total also fits certain statements from sources in the late Republic. Dionysius traces the registration of *all* citizens back to the legendary institution of the census by Servius Tullius.[4] In his ideal system of laws, based on the Roman, Cicero enacts that the censors are to record the ages, families, slaves, and property of the people, making *no* exceptions.[5] The Table of Heraclea prescribes that whenever a census is taken at Rome the chief municipal magistrates are to list *all* the citizens in their municipalities, including freedmen.[6] If all were registered, because it was necessary that the names of all should be recorded at least for voting purposes, what could be the point of giving only partial totals, which (according to the view taken) would have excluded some who could fight or some who could pay taxes, and certainly many who were entitled to vote? The formula 'census sunt civium capita tot' must be taken literally. Fraccaro once wrote that no one had seriously tried to refute Beloch's conclusions.[7] This remains true. As he and Fraccaro held, the census figures purport to comprise all adult male

[1] iv. 18. 2, cf. vii. 59. 6.

[2] I do not agree with L. R. Taylor, *VD*, ch. 10, that freedmen were excluded from the classes, as (*a*) we should then expect special rolls to be kept for them, as for the *orbi orbaeque*, in view of their liability to taxation and naval service; (*b*) *Comm. Pet.*, a well-informed if not genuine source, mentions the value of the support freedmen could give in consular elections (29), as well as of that given by *collegia* (30, 32), in which they preponderated; this is best explained if rich freedmen controlled the centuries of the urban tribes (in which relatively few *ingenui* were inscribed) in the first class (not to speak of other urban centuries, which counted for less).

[3] Livy xlv. 15. 4: 'omnibus quinque et triginta tribubus emovere posse, id est civitatem libertatemque eripere'. Cf. Cic. *Caec.* 96; for *libertas* as 'voting rights', *Rep.* i. 43, 47.

[4] iv. 16 ff.

[5] *Leg.* iii. 7, cf. 12.

[6] *FIRA* i, no. 13, 145.

[7] *Opuscula* ii. 90. The same view is now upheld by Toynbee i. 438 ff.

citizens, with or without the franchise, *iuniores* and *seniores*, *ingenui* and *libertini*, *assidui* and *proletarii* alike.[1]

[1] Beloch holds (*Bev.* 309) that after the number of the tribes was completed in 241 the census lists must have had the following form:

A. *Tribules.*

Here, under each tribe in turn, the citizens would have been listed, first the *iuniores* by class, and divided into *equites* and *pedites*, *ingenui* and *libertini* shown separately; then the *seniores* in similar categories.

B. *Caerites.*

Beloch assumed that all half-citizens appeared under this heading, but see Appendix 1; in my view there would have been separate schedules for each community of half-citizens.

C. *Orbi orbaeque.*

At the end followed totals of *equites* and *pedites*, and of all citizens, the *orbi orbaeque* naturally not being included.

III

HOW FAR ARE THE CENSUS FIGURES RELIABLE?

FIGURES are peculiarly susceptible to corruption in manuscripts, and the Roman census returns are no exception. Hence we often find variants between the figures in texts of Livy and of other authors who drew on his work. Even when they agree, we cannot be sure that the correct figures are transmitted; corruption could have occurred at an early date. It is quite certain that the figures for either 179/8 or 174/3 or both are wrong; Livy says expressly that in the latter census the number of citizens registered had diminished, but the figures transmitted show a slight increase.[1] There are no documentary records before Augustus.

None the less, to the extent that the figures taken together over a period present a picture consistent with itself and other evidence, they may be deemed to represent roughly the numbers registered.

(i) *Before* c. 225 B.C.

It was believed as early as about 200 B.C. that records of registrations went back to the time of the monarchy. Fabius Pictor gave the number for Servius Tullius' census, which was said to have been the first.[2] Dionysius of Halicarnassus says that the records were preserved in the families of the censors.[3] The earliest Republican censuses were held by consuls, not censors, but we are doubtless meant to think that their families too transmitted the figures. But the censuses allegedly held in 498 and 493 were taken by consuls whose families certainly or probably became extinct at an early period.[4] And who preserved the memory of the registration of citizens by Servius Tullius? Dionysius' specimen recorded as 'in the consulship of L. Valerius Potitus and T. Manlius Capitolinus, in the one hundred and nineteenth year after the expulsion of the kings' has obviously, with its mention of *cognomina* and chronological datum, been worked on by an annalist. Dionysius' statement shows that there were no public records

[1] Livy xlii. 10. 3. For textual variants and corruptions see Beloch, *Bev.* 339 f., 343 f.; 346–8.

[2] Livy i. 44. 2. [3] i. 74. 5.

[4] Q. Cloelius Siculus and T. Larcius in 498, Postumus Cominius and Sp. Cassius in 493. There is no later Larcius, and no Cominius holding a magistracy; Cassius' connection with later plebeian Cassii is improbable. The last patrician Cloelius clearly attested is *rex sacrorum* of 178.

known to him for the period he described, down to 264; and the authenticity of early family archives must be doubted.

Given the probable size of the city and of its territory the figures transmitted down to the middle of the fourth century seem too high to represent adult males. In fact, as late as 393/2 they purport to represent all men, women, and children. Frank held that so regarded they are perfectly credible.[1] But apart from particular objections to individual figures, Beloch was surely right in thinking that so primitive a state would not have collected statistics of this kind.[2] It is no answer to say with Frank that the Pharaohs did so in the seventh century. Civilization was more advanced in Egypt, and the state was responsible for the maintenance of the irrigation system, and no doubt, as in later times, imposed poll taxes, which were not known in Rome. Early Rome would have been concerned only with military manpower, property (taxable in kind), and perhaps voting rights as in the middle and late Republic. Again, if the Romans began by recording a total of all free persons of civic status, it is hard to see any reason why its practice should have changed. It is also unlikely that the population remained virtually the same from *c.* 500, when the city was fighting almost for its existence, to 393, when the Romans had taken Veii and were launched on an expansion to which the Gallic capture of the city proved only a temporary check. These unauthenticated figures should be rejected as fabrications.

No figure is given between 393/2 and 340/39. For that year the total transmitted is 165,000. We are also told that in the time of Alexander (336–23) Roman citizens numbered 250,000, 150,000, or 130,000; Beloch held that the first and last of these figures were corruptions of the second. This in turn could be regarded as a round estimate corresponding roughly to the return of 340/39; Beloch, however, at one time, took it to relate to a later enumeration, *c.* 323, when numbers had fallen from the level of 339, and accepted both the figures of 165,000 and 150,000 as true records of the number of adult males *c.* 339 and 323; he assumed that the first total

[1] Pliny, *NH* xxxiii. 16; Frank, *AJP* li, 1930, 317 ff. Frank also guesses at the probable density of population in early Rome and seeks to reconcile his views with what tradition told of the Servian military organization; for rival conjectures see Beloch, *RG* 217 ff.; we should practise the *ars nesciendi*. A. Momigliano, *Terzo Contributo alla Storia degli Studi Classici* 649 ff., argues from Pliny (xxxiii. 42) that Timaeus gave a figure for the Servian census purporting to represent 'capita libera' and that Fabius is polemizing against him in his assertion that it represented 'qui arma ferre possunt'. I doubt if Pliny's allusion to Timaeus means that he had so much to say as Momigliano thinks on Roman coinage, much less the census. However, as it is possible from Fabius' statement that figures were given as early as the lifetime of Timaeus (died 260) for the Servian census, Timaeus might have heard of such a figure and assumed that it represented 'libera capita', and Pliny might be relying on Timaeus rather than projecting the Augustan practice, as Beloch held, into the early Republic, cf. p. 113. Fabius' view shows that there was no good early authority for the belief that Rome once counted all 'libera capita'.

[2] *Bev.* 342 f.

really belonged to the time just after the great annexations in Latium and Campania, traditionally dated to 338, and explained the fall to 150,000 by war losses and migrations to Latin colonies. By 294/3 the number allegedly went up to 262,000, and Beloch accounted for this by Rome's expansion in the intervening years.[1]

The credibility of any of these figures and of those given for censuses down to 241/0 and perhaps 234/3, when the contemporary evidence of Fabius Pictor for military strength in 225 offers confirmation, can only be judged in relation to what is known of the expansion of Roman territory and of the migration of Romans to Latin colonies or of probable war losses.

The expansion of Roman territory at this time could have affected population in more than one way. Most important, a substantial number of inhabitants of the land annexed acquired the citizenship, with or without the suffrage. In the second place it was possible for the government to make allotments to old citizens in the new lands. Two new tribes were created in each of the years 358, 338, 318, 299, and 241, and these tribes may be connected mainly, though not perhaps exclusively, with such viritane assignations.[2] Obviously the allotments went to the poorer citizens, men who were landless or had inadequate holdings in the existing Roman territory, often perhaps to younger sons of small farmers, and these allotments could have enabled them to marry and have children earlier than they would otherwise have done, and indeed have permitted marriage and the raising of a family, when it would have been wholly impossible if they had not been provided with this new means of livelihood.[3] In modern times population has sometimes increased far more rapidly in such conditions, for instance in the United States.[4] In so far as the allocation of farms in conquered lands had such an effect in the Roman Republic, however, it could not become manifest in the census returns until almost a generation after the settlements; thus the demographic results of the creation of new tribes in 358 could not begin to be seen in the enumeration of men aged 17 or more until 340 or later. To some extent the conquered land which had not been left to the old inhabitants became *ager publicus*, and was probably already exploited by the governing class at Rome; the great estates may already have been in process of formation.[5] As the rich became richer, they

[1] *Bev.* 340 ff.; for similar accounts cf. Afzelius I, 158 f.; A. Bernardi, *Nuov. Riv. Stor.* xxx, 1946, 272 ff.

[2] Taylor, *VD*, ch. 5. I feel less confident than she that new tribes were not also to accommodate enfranchised citizens.

[3] Livy xxvii. 9. 11 describes Latin colonists as 'stirpis augendae causa missos'; colonies, however, had a military function of primary importance, and Romans sent to Latin colonies forfeited Roman citizenship (Cic. *Caec.* 98: Gaius iii. 56). However, Livy's words probably supply the main reason for viritane assignations.

[4] J. Potter, *PH*, ch. 27.

[5] It seems implausible to me that there is no truth in the tradition of class conflict, based on economic as well as social–political differences, in the early Republic; it cannot

doubtless acquired more slaves, and the rate of manumissions may also have grown; as early as 312 the votes of freedmen were probably of political importance. Manumissions as well as natural increase should have contributed to the growth of citizen numbers (or helped to keep numbers stable), but this is a factor that totally escapes measurement.

At the same time the rise in population was stayed by the foundation of Latin colonies, as the Roman colonists forfeited their citizenship. We may perhaps assume that the average number of settlers in a Latin colony was nearly 4,000,[1] and that about 3,000 of these would be Romans, the rest being drawn from Latin cities already existing; the proportion of Latins may well be too high, at least for the foundations in the late fourth century. In addition mortality was aggravated, especially in the first Punic war, by heavy casualties. Naturally the effects of war losses should have been more manifest in figures relating to men of military age than in modern statistics for total population. But until the first Punic war we have no data to assess mortality in war.

Such numerical information as we have or can assess with approximate correctness is set out in Table II, where the census returns are set alongside estimates of the growth of Roman territory and of migration to Latin colonies.

It is at once apparent that the census returns from 339 to 293 are incongruent with the other evidence given in the Table, if both the censuses and the other military and political events of the period are correctly dated. Roman territory more than trebled in 338, and the Campanians and many Latins became citizens; it is inconceivable that thereafter the number of citizens should have been roughly the same as, or less than, that enumerated in 339, since the parts of Latium incorporated should have been no less densely settled than the old Ager Romanus, and the incomparably fertile

be shown that the limitation on holdings of public land to 500 *iugera* is anachronistically ascribed to the Licinio-Sextian law of 367 (*ESAR* i. 27 f.), and it is in any event good sense to assume that the oligarchy turned their political power to their own profit during, as well as after, the conquest of Italy. By 225 there were 23,000 *equites* (Polyb. ii. 24. 14), not necessarily with the later equestrian census of 400,000 HS; *equites* received only 40–140 *iugera* in early second-century colonies (*ESAR* i. 123); on Columella's computation (iii. 3. 8), which will hardly be too *low* for this period, worth 40,000–140,000 HS. Better evidence for the affluence of senators and publicans can be found in the loans or other forms of credit they provided for the state in the first and second Punic wars (*ESAR* i. 66 f.; 84–8), and in the contributions made of jewels, plate, and precious metals (88 f.). The increasing number of slaves and freedmen, reflected in the policy of Ap. Claudius as censor in the last decade of the fourth century (ibid. 52 ff.), in the introduction of a tax on manumissions dated to 357 (ibid. 37)—the proceeds constituting an iron reserve used in 209 (ibid. 92)—and in the use made of freedmen in the fleet and even in the army is also suggestive, as is the development of Roman coinage. Naturally the wealth of the upper class was based on land. See Addenda.

[1] Kornemann, *RE* iv. 572, wrongly minimizes the proportion of Romans in Latin colonies, setting aside ancient testimony and the probability that younger sons could obtain the land they needed only by securing colonial allotments. See p. 142.

Campanian plain with the thriving town of Capua was probably more thickly peopled. We cannot, therefore, accept the return of 339 unless we suppose with Beloch that it has been put too early (or that the annexations dated in our tradition to 338 belong to an earlier year).

TABLE II

CENSUS, LAND, AND COLONIES, 503–233

I Date	II Census Return	III Ager Romanus (in sq. km.) (Beloch)	IV Migrants to Latin Colonies
503	120,000	822	
498	150,000		
396		1,510	
393/2	152,573		
340		1,902	
340/39	166,000		*c.* 6,000
338		5,289	
336–323	150,000 (or 250,000)		
326		5,766	
326–294			*c.* 27,000
298		7,600	
294/3	262,321		
290		14,000	
293–88			*c.* 6,000
c. 289/8	272,000		
280/79	287,222	17,390	
276/5	271,224		
280–265			*c.* 12,000
265/4	292,234	24,000	
264/3			*c.* 6,000
252/1	297,797		
247/6	241,712		
244–242			*c.* 6,000
241/0	260,000		
234/3	270,773		

Notes. Col. II adopts the census figures preferred by Beloch; variants except for 336–323 are unimportant (*Bev.* 339 ff.). Col. III is from Beloch *RG* 620 f. with some figures rounded up as he suggests; Afzelius I, 148 ff. gives rather higher estimates. Their computations depend on ancient and medieval evidence (e.g., dimensions of dioceses, corresponding to the territories of ancient cities). In Col. IV I have assumed that the number of colonists on average approached 4,000 (cf. p. 56) but that the Romans contributed only 3,000.

Between 339 and 293 the total allegedly increased by about 60–70 per cent, although in this period the Romans lost some 33,000 men to Latin colonies and must have suffered considerable casualties in war. If the

putative return of 339 is post-dated to 338 or a little later, this increase in population corresponds to a growth of Roman territory from some 5,290 square kilometres in 338 to 8,170 by 296, i.e. a growth of 56 per cent. Territorial expansion, however, could not have an immediate demographic effect. We should rather have to stress the delayed effect of the creation of 6 new tribes in 358, 338, and 316 and of the accompanying distributions of lands, if we are to claim that the alleged accretion in numbers is credible. But its credibility is shaken by the fact that no comparable accretion is recorded between 293 and 264; the number goes up by only 11·5 per cent, in a period when the extent of Roman territory nearly doubled; the losses to Latin colonies were less and the effects of the creation of 2 more new tribes in 299 and of viritane distributions in the Sabine country *c.* 290 should have become apparent. Moreover in 290 the Sabines and some other peoples received half-citizenship; probably the Sabines were fully enfranchised in 264 (p. 49). Beloch, therefore, again invoked the hypothesis of a chronological error; the enumeration dated to 293 must, he thought, be after the grant of half-citizenship to the Sabines, whom Orosius describes as a numerous people.[1] Now between 338 and 290 Roman territory increased by over 150 per cent, but despite Orosius the Sabine and other upland country was probably not densely populated, and much of the annexed territory had still to be settled by citizens.

An alternative view would be to take the true figure for citizens in Alexander's time to be 250,000 and to explain the failure of the population to grow between *c.* 338 and 293 by war losses and emigration. But the preponderance of textual evidence is against this solution, and one might still wonder why there was not a substantial rise after 293, when the Sabines, etc., were enfranchised.

In his last treatment of the third-century census figures Beloch summarily rejected all those antecedent to the time of Fabius Pictor on the ground that they were not coherent with the extension of Roman territory;[2] by implication, the late fourth-century figures must also be discarded. But the incongruity for the years 290–264 is less than appears at first sight. Most of the land annexed consisted of the Ager Picenus, the Ager Gallicus, and territory taken from cities of south Etruria. It is not probable that the former inhabitants were in general enfranchised, and there was no immediate settlement of citizens in the new lands. No more tribes were created until 241, when Quirina and Velina were formed. On Beloch's view the only communities that received the citizenship in these years were Caere, Atina, Casinum, Venafrum, Allifae, and Aufidena, whose territory represents an increment of 20 per cent to the Ager Romanus as it had been in 290.[3] The slightness of the rise in citizen numbers between 290 and 263 is thus explicable, if we suppose (*a*) that their territory was less densely

[1] iii. 22. 11. [2] *RG* 216 f. [3] *RG* 620 f.

populated than Roman territory in general and (*b*) that the older Roman population was stationary. The census figures of 288–263 thus fit that for 293, provided that the latter is itself placed after the enfranchisement of the Sabines, etc.[1]

The whole sequence of census figures from 339 could then be accepted, if those dated to 339 and 293 are placed respectively after the enfranchisement of Latins and Campanians, traditionally dated to 338, and of Sabines, etc., traditionally dated to 290. But doubt must persist whether these violations of traditional chronology are justified. No records should be more secure in early Roman history than the dates of magisterial offices, including the censorships, or of major events such as the mass enfranchisement of other Italian peoples; the transmission of census figures seems less likely to be reliable. It may also evoke scepticism that in this period, one in which lands were distributed to the poor on a large scale, there should have been so little natural increase in the citizen body at any rate between 290 and 264. However, this objection carries little weight; to say nothing of emigration to Latin colonies, we cannot estimate the rate of mortality in the constant wars. In sum, it is impossible to affirm or deny with certainty that the census figures between 339 and 263 are authentic, but we can be sure that if they are, those for 339 and 293 stand in an implausible chronological connection with other events, and that the traditional dating is probably at fault.

The census figures for the first Punic war show a great drop between 252/1 and 247/6. It is natural to explain this by war losses.[2] Rome seldom employed more than 4 legions in the war, and casualties on land are not likely to have been notably severe; the worst was the loss of most of Regulus' army in Africa in 255, involving some 12,000 soldiers, of whom presumably less than half were legionaries. But there were great disasters by sea, due to storms or enemy action, in 255, 253, and 249; the exact number of *Romani* killed can hardly be estimated. However, the effect of these losses should have been manifest in 252/1 almost as much as in 247/6; yet the figure for the first of these years is little under that recorded on the eve of the war. It has therefore been held that the figure for 252/1 is corrupt. The partial recovery between 247/6 and 241/0 can be explained if we accept Beloch's plausible conjecture that legionaries abroad (some 17,000) were not registered in the earlier year.[3] But the doubts about the authenticity of the figures before 264 must extend to those between 264 and 240.

A distinction can be drawn in principle between the figures down to 264 (if not for the next two decades) which reposed (as Dionysius states) on the testimony of censorial families and those for which there was contemporary

[1] For another defence of the early third-century figures see Bernardi (p. 28 n. 1).
[2] Thiel I. 83 ff., esp. 94 ff., and for Regulus' army 206 ff.
[3] *RG* 216 n. 1, cf. pp. 36 f. and Chapter V.

evidence. Fabius Pictor who flourished in the Hannibalic war gave figures of Roman strength in 225, and he could do this from his own knowledge and from documents of his own time. He also professed to give the number registered by Servius Tullius. This indicates that he took an interest in the growth of Roman manpower; probably the conventional and correct Roman view (p. 5) that Rome owed her success to the numbers of fighting men at her disposal goes back to him, and was reflected in later annalists, who would therefore not have neglected to record the census totals and who also had for their own times accurate information about them. It therefore seems best to accept the census figures from 225 (and perhaps from a little earlier) as based on good authority and dependable in principle, but to be sceptical of the authenticity of all the figures down to the first Punic war at earliest.

(ii) *After* c. *225* B.C.

The data from 225 onwards will be scrutinized in detail in later chapters. Allowing for textual errors affecting figures and for variations which may be due to the varying efficiency of different censors, I shall maintain that they reveal an intelligible trend and that their coherence is evidence that they are in general sound. This is not to say that they are as accurate as often assumed, even by Beloch. We might reckon with a large margin of error.

In modern times, where a census has been taken, as at Rome, for purposes of taxation and conscription, the enumeration has often been gravely defective, for instance up to 25 per cent in Sweden in the early nineteenth century.[1] Furthermore the censors themselves were not experts, and we may doubt if they had an expert staff,[2] while the methods they used were not calculated to secure complete returns. They did not send round agents from house to house, but required the citizens themselves to come forward and make declarations (p. 15). There was thus ample opportunity for evasion.

It is true that the citizen who failed to perform the civic duty of making a return was liable to savage penalties, confiscation of his property and sale of his person.[3] But we hear of no instances.[4] This might be explained in two ways. Either the law was obsolete and not enforced, or there was

[1] H. Gille, *PS* iii, 1949/50. 4; Helleiner 4. A. J. Jaffé, *PS* i, 1947/8, 323, notes that the Chinese still refused to co-operate in censuses in the 1930s, as they recalled that these had formerly been taken for purposes of taxation and conscription. According to J. T. Krause, *Ec. Hist. Rev.* x, 1958/9, 59, the best modern censuses are defective by 5 per cent. Cic. *Verr.* ii. 1. 104 names a rich Roman who did not register, to evade the terms of the Lex Voconia, an odd case.

[2] *StR* ii. 361 f. The role of the *curatores tribuum* and of the *iuratores* is unknown.

[3] Cic. *Caec.* 99; Dionys. iv. 15. 6; v. 75. 4; Gaius i. 160; Zonaras vii. 19. Cf. *FIRA* i, no. 16 (4) (Bantia). See M. Lemosse, *Rev. hist. de droit franç. et étr.* 1949, 179 ff.

[4] There is some evidence for the infliction of similar penalties when the *dilectus* was evaded, pp. 391 f.

seldom an occasion to apply it. Which is more probable? It must be recalled that at all times citizenship afforded some protection to the individual against the magistrate's *imperium*, and though the absence of a man's name in the censorial records was not necessarily decisive proof that he lacked the citizenship, his registration must have afforded prima-facie evidence and may have sufficed to show that he possessed it.[1] Again, voting rights depended on registration in the proper tribe and century, and they were valuable to those who found it easy to visit Rome. Thus citizens had motives to register themselves which have probably not operated among more modern peoples who have been similarly subjected to a census for purposes of taxation and military service. Nor again must we forget that Rome was a republic, or to give the word its due sense, a commonwealth, and that it was the experience of Greeks at least that men were more apt to make sacrifices for their state when they felt that its welfare was their own.[2] Before the Punic wars the conquests the state made, for which the citizens had to give their blood and money, frequently brought them direct and manifest advantage in new lands for settlement. The Hannibalic war itself was a struggle for survival, where the interests of the individual were patently identical with those of the community. And it was followed by still more distributions of land.

Before the second century it may well be that few sought to escape their civic obligations, and that almost all were ready enough to co-operate in the censors' work. Hence censuses taken in the late third century and even in the early part of the second may have been reasonably accurate. But in the prolonged campaigns overseas in the second century conscription proved ruinous to the humbler citizens and evoked bitter resentment.[3] Men might easily have become less zealous to enrol themselves in the second century. Though defaulters had to reckon with the danger that others would denounce them, if only because the burden shirked by one man fell the more grievously on another, the possibility exists that later registrations were progressively less complete. Conscription remained a burden in the first century and in the Principate of Augustus himself.[4] Direct taxation was reintroduced in the civil wars[5] and Augustus himself imposed death duties on the richer citizens, and considered as an alternative a tax on landed property.[6] If citizens ever sought to evade registration in order to escape taxes or military service, they may have thought that they had as good reason for doing so in 28 B.C. and A.D. 14 as previously. And modern experience apparently suggests that once the practice of evasion has developed, it is apt to continue.[7]

[1] H. M. Last, *JRS* xxxv, 1945, 35 ff., on Cic. *Arch.* 11; D. Daube, ibid. xxxvi, 1946, 57 ff. Neither cites Livy xli. 8. 11: 'in civitatem Romanam per migrationem *et censum* transibant.'

[2] Hdt. v. 78; Hippocrates (?), *Airs Waters Places* 23.

[3] See pp. 396 ff.

[4] See pp. 408 ff.

[5] p. 21 n. 5.

[6] Dio lv. 24. 9–25. 6; lvi. 28. 4 ff.

[7] See p. 33 n. 1.

In subsequent discussions of the census figures I have, therefore, thought it prudent to assume that even for the late third century there may be under-enumeration to the extent of 10 per cent, rising to perhaps 25 per cent in the first century; I shall give reasons for holding that the Augustan censuses are unlikely to be more accurate than those taken in the Republic.

This goes counter to the theory that as all citizens had to go to Rome to register until Caesar provided that the census should be taken by local magistrates, the census of 69 was gravely defective, whereas Augustus by using Caesar's system for the first time was able to make his registrations reasonably complete.[1] In 69, it is argued, all Italians south of the Rubicon and many beyond it, not to speak of citizens domiciled abroad, were Roman citizens. They might be living hundreds of miles from the city. The poor peasant or landless labourer could not afford the cost of the journey. Even some more substantial farmers or craftsmen might have thought that it was not worth their while to visit Rome for registration, although this was required if they were to exercise their votes in tribe or century; for their opportunities of voting were inevitably restricted by mere distance from the city. And if they were reluctant to make the effort, the censors had little reason to compel them. *Tributum* was not levied after 168 (except in civil wars). Conscription was not indeed abandoned, but after Marius recruiting officers ceased to inquire into the property qualifications of citizens, before enrolling them in the legions. The interests of the state and of the ruling class no longer demanded the distribution of all citizens into their appropriate classes.

But on this hypothesis registration must have been incomplete long before 69. Since 232 some citizens had been settled in the Ager Picenus and Ager Gallicus, over one hundred miles from Rome. After the Hannibalic war there was some migration into the even more remote land of Cisalpine Gaul. To some extent it had already become inconvenient for the poorer citizens to travel a long distance to Rome for registration. In so far as they were too poor to pay *tributum*, which in any event was suspended after 168, or to serve in the legions, the censors had no strong reason to enforce their attendance, especially when they were no longer required for the fleet[2] and there were no more emergencies demanding their enrolment in the army. The fact that in 169 the censors were notably thorough in enrolling men liable to conscription (p. 37) may indicate that their predecessors had not even been zealous in registering the *assidui*. A. H. M. Jones has drawn the conclusion that even in this period the censuses are quite unreliable.[3] He finds confirmation of this in the abrupt rise recorded between 131 and 125; he thinks that as a result of the Gracchan land law about 25 per cent more citizens were enumerated. Not only does this show to his mind that the

[1] So T. Frank, *Cl. Ph.* 1924, 329 ff. [2] Not after 167, cf. Afzelius II, 80 ff.
[3] *Ancient Economic History* (inaugural lecture at University College, London), 1948.

earlier censuses were extremely defective; he adds that 'we have no means of telling how many more failed to register both before and after 126 B.C.'.

However, in this whole argument the chief assumption is unwarranted: why must we think that citizens could only be registered at Rome? Some hold that this is implied by Cicero, when he said in 70 that he would not submit to a postponement of Verres' trial till a time 'cum haec frequentia totius Italiae Roma discesserit, quae convenit uno tempore undique comitiorum ludorum censendique causa'.[1] These words certainly prove that a large concourse of citizens was present in Rome in August 70 for the census and for other purposes; Cicero does not stress one more than another. It is true that it was only at Rome that any citizen could vote or watch the games, but it does not follow that it was only there that *any* citizen could be registered. It is evident that *some* citizens did come to Rome for the census, but this can be explained on the hypothesis advanced below that the system of the Table of Heraclea, under which citizens domiciled in more than one town had to be registered at Rome, was already in force. They would be rich men, as would be those who could afford the time and expense to come in to vote and to watch the games; they would choose to register at the time when they could fulfil these other purposes. It was the pressure of their opinion on which Cicero relied; he never cared much for the humbler people, and they would have had little interest in the Verres case. The presence of such 'boni et locupletes', with all their attendants, from the whole of Italy is quite enough to account for Cicero's use of the term 'frequentia'. By contrast, we can hardly believe that 910,000 citizens, the number registered, were all present in the city at once; where were they lodged and how were they fed? It may be said that the citizens were expected to arrive in batches; but how was this organized? Certainly, there was no need for them all to appear in the summer of 70; the *lustrum* was not closed until 69 (Appendix 4). But, if they came in batches, the 'frequentia' would have continued long after August 70.

Jones also adduces the fact that Archias was not registered either in 86/5 or in 70/69, as he was abroad with the army of Sulla or Lucullus.[2] This has no bearing on the question whether citizens actually resident in Italy could not make their declarations to local magistrates. Does it even indicate that citizens abroad were normally not registered, unless they returned to Rome for the census? Clearly not. In 86/5 Sulla was proscribed, and it was natural that he and his men were not enrolled. In 70/69 Lucullus was far away in Pontus and Armenia; even if the censors had had a roll of his soldiers and *comites*, they could not have known how many were still alive and could not receive declarations from them about their property. It seems probable indeed that in general soldiers serving abroad were omitted; it

[1] *Verr.* i. 54; cf. 31 (Aug.); the census was not completed until 69, Appendix 4.
[2] *Arch.* 11.

was exceptional in 204 that steps were taken to enrol them.[1] But it does not follow that citizens resident abroad were debarred from registering in absence, if they gave instructions to agents to make declarations on their behalf; and once overseas colonies were founded, the local magistrates could have performed the registration of *coloni*.

Livy's account of the proceedings of the censors in 169 is relevant.[2] Just at the time when they had taken office, there was difficulty in raising soldiers by the levy. The censors assisted by proclaiming that they would require all *iuniores*, when they registered, to swear under a formula added to the customary oath that they had appeared at the *dilectus* and would, if not enlisted, continue to do so at future *dilectus* within the censorship. They also required soldiers on furlough from Macedon, if *in sua potestate*, to register with them and return to their units within 30 days; if they were *in patris aut avi potestate*, their names were to be registered by the *paterfamilias* (and presumably they too were to return within 30 days to Macedon). Since the census was not completed until the following year,[3] this evidently meant that soldiers on leave were to be registered early by special arrangement. The censors also announced that they would hear claims by soldiers to have been discharged and order their re-enlistment if their discharge appeared to be without warrant. In such cases presumably the names of the soldiers concerned were also registered for the census, and Livy remarks that the census showed how many were absent from their units. The edict was published 'per fora et conciliabula' and as a result 'so large a multitude of *iuniores* came together at Rome that the city was seriously incommoded by the unusual crowd'.

Now it will be shown in Appendix 19 that the *dilectus* certainly cannot have involved the summoning of all *iuniores* to Rome; there must by this time have been local arrangements for levying troops. It is certainly not implied here that the oath to be taken by *iuniores* had to be taken before the censors; if there were local registrations and the citizens who registered made sworn returns to local magistrates, it would have been to the local magistrates that they swore the new oath. The only persons who are clearly summoned to Rome by the censors are soldiers who were on leave from Macedon (if *in sua potestate*) and those who claimed to have been discharged, but who in the censors' view had no right to discharge and whom in fact they sent back again; Livy says that they were numerous. In addition, it is likely enough that *iuniores* in the vicinity of Rome were enlisted there by the Roman magistrates who performed the same function locally as municipal magistrates did under their mandate elsewhere. The appearance then of soldiers absent from their units overseas and of potential recruits from the neighbourhood of Rome brought an unusual and embarrassing number of men into the city in a census year. This could not

[1] Livy xxix. 37. [2] xliii. 14 f. [3] *Per.* xlv, cf. Appendix 4.

have been said, if some 250,000 citizens regularly appeared in the city for the census.

The supposition that machinery for local registration was first introduced in Caesar's dictatorship and first operated for the Augustan censuses is based on the premiss that all the clauses of the Table of Heraclea are both Caesarian and novel. It will appear from Appendix 2 that the relevant part of the Table need not be Caesarian. Nor need it be wholly novel. It prescribes that whenever a census is taken at Rome the chief magistrates in all the *municipia*, *coloniae*, and *praefecturae* in Italy should register the local citizens and their property in accordance with the formula published at Rome and send the returns to the magistrate taking the census there, who was to incorporate them in his own records. It further enacts that the local returns are not to include any citizens who are domiciled in more than one municipality; they are to be registered at Rome itself.[1] In all this, however, there is no implication that the arrangements prescribed involve any change in principle. It is possible to suppose that innovations are only in matters of detail and drafting. For instance, it may be new that the local returns are to be made over 60 days before completion of the census at Rome. Or possibly the law extends to *praefecturae* a system already employed in *municipia* or colonies. Or the Roman censors may previously have used the latest municipal registrations, and not have required them to be made in the same year (p. 41 n. 1). At most we can say that the legislation presupposes that previous arrangements were susceptible of some improvement.

Both registration in absence from Italy and local registration within Italy seem to be attested by a letter from Cicero to Atticus. Censors had been elected in 61 B.C., who were due to complete their work in summer 60; writing in January of that year, Cicero expresses anxiety that Atticus should return to Rome and adds: 'Nam ne absens censeare curabo edicendum et proponendum omnibus locis! Sub lustrum autem censeri germani negotiatoris est.'[2] Because he wishes for Atticus' prompt return, Cicero

[1] *FIRA* i, no. 13, 142–58. In literary Latin 'domicilium' seems often to be synonymous with 'domus' (cf. *TLL* s.v.); in later legal usage, which may not be applicable to a Republican law, it certainly meant a place of actual residence as distinct from mere property including a habitable house or villa, but multiple domicile was recognized, *Dig.* l. 1. 6. 2, and Labeo's attempt to restrict or deny this (xlviii. 10. 5. 5, cf. l. 1. 5) did not prevail and may have been eccentric at the time. See further E. de Ruggiero, *La Patria nel Diritto pubblico romano*, 1921, 169 ff. Archias certainly more than fulfilled the conditions required at Rome if 'sedem omnium rerum ac fortunarum suarum Romae conlocavit' (*Arch.* 9) and Romans who acquired 'sedes ac domicilium' in Sicily (*Verr.* ii. 2. 6) cannot have forfeited domicile at Rome. In my view Cicero would have been properly styled as domiciled in all the places where he had villas in which he resided frequently.

[2] *Att.* i. 18. 8. Mr. P. Wiseman has suggested to me that 'omnibus locis' does not refer to the towns where Atticus had residences and where the local magistrates might have registered him, but to all his properties at Rome itself, or to all the places there where notices relevant to the census might have been posted; but then why should not Cicero simply have informed the censors that Atticus was not to be registered in absence? For

seeks to avoid two eventualities: (1) his registration in absence; (2) his registration on the very eve of the *lustrum*, a practice apparently common with business men. It is clear from his words that Atticus, if he had chosen, could have been registered in absence. It is even more interesting that Cicero on his behalf has to ensure that he will not be so registered 'omnibus locis', presumably in all the townships where he held property. This shows that registration could already be local. Atticus was of course one of those rich men who had residences in various places and who in accordance with the Table of Heraclea were bound to register at Rome itself. Do the precautions taken by Cicero to prevent his registration in absence 'omnibus locis' imply that that provision of the Table was not yet in force? Not at all; when a citizen had residences in more than one municipality, it must clearly have been his responsibility or that of his agent, not that of the local magistrate (who would not necessarily be aware of the facts), to ensure that he made his declaration at Rome, and that partial returns of his property were not made through the magistrates of several towns.

Registration in absence is earlier than the time of Cicero. Scipio Aemilianus had complained that the practice had gone so far 'ut ad censum nemini necesse sit venire'.[1] His words suggest (unless he was exaggerating rhetorically) that well-to-do business men, who would probably be represented at the census by *procuratores*,[2] were not the only citizens excused from personal attendance. Velleius too, in criticizing C. Gracchus' plans for transmarine colonization, remarks: 'id maiores . . . diligenter vitaverant et civis Romanos ad censendum ex provinciis in Italiam revocaverant.'[3] Since he wrote at a time when Augustus, whom he so much admired, had founded numerous colonies overseas, and (as everyone assumes) allowed local registration, this criticism can hardly have emanated from his own mind; he is surely repeating more or less contemporary attacks on Gracchus. These attacks imply that the settlers at Junonia would not be expected to return to Italy for the census; the use of the pluperfect may suggest that the critics were not able to say that this would be a departure from existing practice, but only from the ancestral rules to which other exceptions had already been allowed. It may also be remarked that they did not complain that the colonists would not be required to return to Rome; they spoke of Italy. (See Addenda.)

the right of citizens overseas to register in absence see *FIRA* i. 55. 24 ff., 56. 13; these triumviral formulae could be traditional for provincials enfranchised by viritane grants.

[1] Gell. v. 19. 16 on which P. Fraccaro, *Studi st. per l'Antich. class.* v, 1912, 368 f. seems to me right against A. E. Astin, *Scipio Aemilianus*, 1967, 322 ff.

[2] On Varro, *LL* vi. 86, see Appendix 4.

[3] ii. 7. 7 (misplaced as 14. 3 in Oxford text). Velleius' account of C. Gracchus (ii. 6) illustrates his uncritical acceptance of optimate sources; a citizen of recent origin, he actually treats the franchise bill as a mark against Gracchus.

Local registration might be expected to have been the original rule in the case of the citizen colonies. The earliest of these were founded to guard vital points on the coasts, and in order that the garrisons of these points might not be depleted, the colonists were normally excused from legionary service.[1] For precisely the same reason they should also have been excused from attendance at Rome for the census. This privilege would naturally have been extended to the second-century citizen colonies established in the north, and then (as Velleius implies) to Junonia, and to other colonies in the provinces. Narbo Martius (the cognomen is significant) was a 'specula populi Romani ac propugnaculum';[2] it could not have been a matter of indifference to the government to know how many citizens were stationed in this outpost of dominion, nor of course could they have been recalled to register at Rome. The fact that we know of censors in later times at Abellinum and Fabrateria Nova, which were probably colonies of the Gracchan period,[3] suggests that these towns were responsible for local registration of their own citizens before the post-Sullan period; for if their responsibility went no further back, we should expect that the magistrates charged with the local census would have been called *quinquennales*. (That was indeed always the normal title, and it is impossible to say why only some towns retained one more antique; obviously, if Abellinum and Fabrateria conducted local censuses, we should assume that other colonies did, despite the fact that elsewhere the antiquity of the practice left no traces in titulature.)

Before 90 allied cities in Italy had their own censuses.[4] This was no doubt requisite in order that they might contribute their contingents *ex formula togatorum*. But the censorship and census were not peculiar to Rome, and imposed by her, but indigenous among Oscan peoples as well.[5] The practice of registering citizens may have been widespread among the Italians before they became subject to Rome. Hence it must normally have been found in communes which received the Roman franchise in its full or restricted form. It was the simplest course for the Roman government to make use of the already existing local machinery, when these towns became *municipia*, while providing that the local registrations should conform to the rules adopted at Rome itself. Capua had her own censors before her revolt,[6] and it is a plausible view that they were responsible for the registration of Capuans and communicated their results to the Roman censors (pp. 19 f.). We also find in later times a *censor perpetuus* at Caere[7] and censors at Suessula and Aequian Treba,[8] all of which were *municipia* before 90; it is

[1] Livy xxvi. 3, 38. [2] Cic. *Pont.* 15.
[3] Beloch, *RG* 505 f., cf. 493 ff., 529.
[4] Livy xxix. 15 (Latin colonies), cf. *ILRR* 111, 137, 167, 528, 555, 582, 585 f., 611, 664, 677, 682. Cf. the next three notes.
[5] Vetter 2 (Bantia), 81 (Capua), 149 (Samnites), 168 (Frentani), 223 (Volsci).
[6] Vetter 81. [7] *CIL* xi. 534. [8] Beloch, *RG* 505 f.

reasonable to posit that these magisterial titles survived from ancient times, and that in these places there were censors perhaps even before their incorporation in Rome, who continued to register the citizens thereafter on Rome's behalf. There is no objection to assuming that municipal magistrates were charged with the same duty even in the places where in later days they did not bear the title of censor but only of *quinquennalis*.[1]

The hypothesis that before 90 colonies and *municipia* registered local citizens under a formula decided by the Roman censors is the more plausible if they were also used for the conscription of legionaries, as I shall try to show later (Appendix 19). Both contentions imply that these towns had more self-government than is sometimes conceded, but in my view it is a misconception to suppose that Rome severely limited their right to run their own local affairs; it was her interest to employ local machinery for her own purposes, as central machinery remained throughout the Republic extremely weak.[2]

If this be so, it is most unlikely that after 90 Rome treated the new *municipia* and Sullan colonies in a quite novel way, depriving them of internal self-government and refusing to use the local machinery which had been operating for centuries. In fact, it appears that the new municipalities continued to find men for Rome's legions, just as they had formerly found them for allied contingents.[3] We should then expect them also to go on registering their own citizens; if recruitment was still in their hands, they needed to have lists available of those qualified to serve, while at the same time the government at Rome would have been overwhelmed if with its inadequate administrative staff it had sought for no ascertainable reason to take over the registration of citizens throughout Italy.

Cicero refers to pre-Sullan *censoriae tabulae* of Larinum.[4] The text does not show that these records included the registration of citizens and their property, but it is a reasonable hypothesis that they did. In fact we know that municipal lists were still kept and that entry in them was prima facie evidence of Roman citizenship. Cicero's client, Archias, was accused under the Lex Papia of 65 B.C., which had been passed 'ad eos coercendos qui temere et inlicite civitatem Romanam usurpassent'.[5] His defence was that he had been 'ascriptus' as a citizen of Heraclea before 90 and that as such he had exercised his right to register as a Roman under the Lex Plautia

[1] *Quinquennales* too seem to be pre-Caesarian, see especially *ILLR* 645 (the amphitheatre to which this relates is 'Sullan'; I doubt if C. Quinctius Valgus is identical with Valgius in Cic. *leg. agr.* ii. 3, 8, 12 ff.), 598, perhaps 639 (cf. R. G. M. Nisbet's note on Cic. *Pis.* 92. 4), 658, 182. I suppose that these *quinquennales* already registered the local citizens and were not merely responsible for the public works to which the inscriptions relate. Pieri 188 ff. points out that they held office in different towns in different years and argues plausibly that the provision in the Table of Heraclea for simultaneous registration was not then in operation; perhaps it never became effective.

[2] Appendix 3.

[3] *AL* 86 cf. pp. 408, 410 n. 1, 633.

[4] *Cluent.* 41.

[5] Schol. Bobb. 175 St.

Papiria. There was, however, no record of his original registration at Heraclea because the record-office there had been burned in the Social war, nor had he been registered in any Roman census.[1] But he was registered in the current lists of their citizens kept by other cities of Magna Graecia, and Cicero implies that even after the Lex Papia, and *a fortiori* before it was passed, foreigners had usurped Roman citizenship by having themselves enrolled on such lists: 'cum ceteri non modo post civitatem datam sed etiam post legem Papiam aliquo modo in eorum municipiorum tabulas inrepserunt, hic qui ne utitur quidem illis in quibus est scriptus, quod semper se Heracliensem esse voluit, reicietur?'[2] It may well be that it was one purpose of the Lex Papia to control such registrations.

It has already been argued that, granting the Caesarian date of the Table of Heraclea, there is still no ground to deny that local registration in the municipalities was practised well before Caesar. However, in fact it can be shown that the relevant part of the document may well belong to the 70s, or even the 80s,[3] and it is plausible that the precise object of this section of the document was to provide for local taking of the census and to ensure that the local magistrates responsible followed the rules laid down by the censors at Rome; in the past there may well have been local variations between the censuses of allied towns.[4] This would have been a natural sequel of the enfranchisement of Italy, bringing the new municipalities into line with the old.

The census-provisions of the Table refer only to *municipia*, colonies, and *praefecturae*; there is no mention, as in other sections (which may not be of the same date) of *fora* and *conciliabula*. The difference may be due to more and less accurate drafting; but it may mean that locally elected officials were not yet charged with the work of the census in *fora* and *conciliabula*.[5] In that case, though some towns which had grown up in areas of viritane Roman settlement had perhaps already attained to self-government and might be designated as *praefecturae*, and others were to do so in the late Republic, there remained a residue of country districts, whose inhabitants the censors were still directly responsible for registering. Even so, we must not take it for granted that they required their attendance at Rome, and did not send out officers to take their declarations locally.

Whether or not this be so, it seems to me that there is no valid evidence for the dogma that before Caesar citizens had to appear at Rome, if they were to be registered. Registration in absence was certainly permitted to some, and I see no good reason to doubt that from the earliest times the local magistrates in colonies and *municipia* sent returns of their own people

[1] *Arch.* 6 ff.
[2] *Arch.* 10, cf. p. 171.
[3] Appendix 2. [esp. p. 523 n. 1]
[4] Livy xxix. 15. 9.
[5] Septempeda later had censors (*CIL* x. 5584) and, being a *municipium* with *IIviri*, it was perhaps an old *conciliabulum* (in Picenum) and the centre of a *praefectura* (cf. Beloch *RG* 508 ff.).

to the censors. It does not follow from this that any census was complete. Perhaps the returns in the second century became progressively more defective (pp. 34 ff.), a process that the Gracchan land distributions may have partially reversed (pp. 78 ff.). In the next chapter I shall argue that the magistrates of the Italian allied communities, who had to enumerate their citizens and in 225 to make a return to Rome, may well have been less efficient than the Roman censors in discharging this duty; if that be so, their efficiency did not necessarily improve, when their communities had been enfranchised and they had to make returns to the Roman censors, and it is perfectly conceivable that the enumeration of 69 was on that ground alone more defective than those taken in the second century. Moreover, it would be imprudent to assume that citizens domiciled overseas all took advantage of the facilities for registering in absence, and as they were progressively more numerous and to a considerable extent after 90 drawn from the new citizens, we have another factor that may have tended to make the enumeration of 69 less reliable than those of earlier generations, even though in my view the number of such expatriates is often exaggerated. Many of them probably took up residence in and after the time of Caesar in the new provincial colonies and *municipia*, and that should have made it easier for Augustus to obtain a more accurate count of this class. But apart from this, I see no reason to believe that he was markedly more successful in enumerating citizens than the censors of 69. On the contrary, if the enormous increase in the number of persons he registered can be explained only, as I believe, by supposing that unlike Republican censors he included women and children (other than infants), the very novelty of his practice would have made it harder to obtain complete returns.

Once it is admitted that the Augustan enumerations are not *in pari materia* with the Republican, but are probably no less defective, it can be seen that the census figures are (with minor adjustments where figures are corrupt) harmonious throughout. That conclusion does not of course enable us to determine the extent of the deficiency to which in doubtless somewhat varying degrees all alike are subject. It is only in the light of what we know of the strain that wars imposed on Italian manpower and of the evidence we possess on depopulation and social and economic misery that we can fix an upper limit. I have taken the view that the deficiency did not much exceed 25 per cent. If anyone prefers to think that only two-thirds of the *civium capita* were enumerated, I have no strong objection. We cannot go beyond this without either impugning all the recorded figures, including those for 225 B.C., or constructing a demographic model which does not correspond at all to the conditions under which the Italian people lived.

IV

THE FREE POPULATION OF ITALY IN 225 B.C.

IN 225 B.C., on the occasion of a Gallic invasion, the Roman government instructed their allies to make returns of 'men of military age'; no less alarmed than the Romans by the danger, the allies readily complied.[1] Polybius says that the total number of those able to bear arms revealed by these returns was over 700,000 foot and about 70,000 horse. Diodorus gives 700,000 foot and 70,000 horse, and writers dependent on Livy round the total off as 800,000. From Eutropius and Orosius we know that these figures came from Fabius Pictor.[2]

Polybius also gives what appears to be a breakdown of the total. He first states the number of Romans and allies under arms (Table III) and then the number on their registers (Table IV*a*). If we add up the figures in both lists, they come to 768,300. (It is not possible to give separate totals for foot and horse on the basis of Polybius' data, without conjectural amendment.

TABLE III

MEN UNDER ARMS IN 225 (POLYBIUS)

	Romans		Allies	
	Infantry	Cavalry	Infantry	Cavalry
With the consuls	20,800	1,200	30,000	2,000
Sabines and Etruscans			50,000+	4,000
Umbrians and Sarsinates			20,000	
Veneti and Cenomani			20,000	
In Sicily and Tarentum	8,400	400		
Reserve at Rome	20,000	1,500	30,000	2,000
Totals	49,200	3,100		
	52,300		158,000+	

Note. Cavalry of Umbrians and Sarsinates, Veneti and Cenomani, and perhaps allied contingents with the legions in Sicily and Tarentum seem to be omitted.

[1] Pol. ii. 23. 9 ff.

[2] Pol. ii. 24; Diod. xxv. 13; Pliny, *NH* iii. 138 (cf. p. 49 n. 6); *Per.* Livy xx; Eutrop. iii. 5; Oros. iv. 13. 6 (cf. p. 46 n. 2). Bibliography and lucid discussion in Walbank's *Commentary on Polybius*; see also Toynbee, i. 479 ff. I follow mainly Afzelius I, 98 ff., modifying Beloch, *Bev.* 355 ff.

The minimum for horse is, however, 69,000.) Prima facie, it would seem that this was the method adopted by Fabius in reaching his totals.

If he did so, he made a crass error and the totals supplied are worthless. The lists of men capable of bearing arms (Table IV*a*) ought to include the men actually in the field (Table III); and if Fabius added all the figures together, he counted some 210,000 men twice over.

TABLE IV (*a*)

MEN ON THE REGISTERS IN 225 (POLYBIUS)

	Infantry	Cavalry
Romans and Campanians	250,000	23,000
Allies		
Latins	80,000	5,000
Samnites	70,000	7,000
Iapygians and Messapians (i.e. Apulians)	50,000	16,000
Lucanians	30,000	3,000
Marsi, Marrucini, Frentani, Vestini (Abruzzi peoples)	20,000	4,000
Totals	500,000	58,000
	558,000	
Add total from Table I	210,300+	
Grand total	768,300	

TABLE IV (*b*)

MEN ON THE REGISTERS IN 225 (CORRECTED)

	Infantry	Cavalry
Romans and Campanians	250,000	23,000
Allies		
Latins	80,000	5,000
Samnites	70,000	7,000
Apulians	50,000	6,000 (?)
Lucanians	30,000	3,000
Abruzzi peoples	30,000 (?)	4,000
Etruscans	50,000+	4,000 (?)
Umbrians	20,000	2,000 (?)
Totals	580,000+	54,000

Another possibility might seem to exist. The Bruttians and Greeks do not appear in either table, and we do not seem to be told the numbers of men ready to bear arms among the northern allies, but only the numbers they actually had in the field. Have these numbers slipped out in Table IV*a*, and did Fabius none the less take them into account when he made up his

totals? On this view he did not add the number of men actually in arms to the number on the lists of men capable of serving, but the discrepancy between the total of those who appear in Table IV*a* (558,000) and his grand total is accounted for by missing figures for the northern allies, the Bruttians, and the Greeks. But this is hardly to be believed. The coincidence between the grand total and the sum of the figures in Tables III and IV*a* would be extremely odd. Moreover there are reasons for thinking that the figures for the northern allies in Table III can be transferred to Table IV*a*, i.e. that they really represent men capable of serving rather than men actually under arms.

It might also be suggested that Fabius' method was correct because the numbers of men available for service excluded those who were already in the field.[1] This can be checked only by scrutiny of the figures for Roman citizens. There were 49,200 Romans actually enrolled in the foot, and 3,100 in the horse. In addition the Romans are said to have had 250,000 foot and 23,000 horse. If these figures should be added together, the totals would be 299,200 foot and 26,100 horse. Now Orosius states the Roman totals, according to the manuscript tradition, as 348,200 foot and 26,600 horse. Since he is drawing ultimately on the same source, these figures must have been corrupted in transmission before or after he wrote. They can be amended with equal palaeographic credibility to 299,200 and 26,100, thus confirming the hypothesis we are now considering, or to 248,200 and 23,100.[2] If we adopt the second emendation, we can readily suppose that Polybius chose to give round figures for the totals of Roman foot and horse. Which view should we prefer?

The number of registered citizens in the census of 234/3 is given as 270,713, which could easily be amended to 280,713.[3] It is plausible to assume that the figures given by Polybius and Orosius were drawn from the next census in 230/29, the last before the Gallic invasion. Of the enumeration at this census we have no record elsewhere. Can we believe that between 233 and 229 the number of citizens increased by 55,000, or if the earlier figure is amended, by 45,000? Beloch thought this impossibly large. Men registered for the first time in 229 would have been born between 251/0 and 247/6, when fertility was probably reduced by the first Punic war. I shall argue later that population probably did increase in the interval between the Punic wars (p. 61), but this increase is unlikely to have been reflected in an enumeration of adult males so early as 229. Mommsen held that the Campanians, 34,000 strong,[4] were included by Polybius but not in the census return of 234/3, and that the remainder of the increment

[1] So Mommsen, *RF* ii. 388 ff.
[2] Mommsen adopts the first correction, Beloch the second.
[3] In *Per.* Livy xx we could read $\overline{\text{CCLXXX}}$V CCXII.
[4] Livy xxiii. 5.

could be explained by the settlement of citizens in the Ager Picenus and Ager Gallicus. But that settlement would only have turned some *proletarii* into *assidui*, without increasing the number of adult male citizens. If my previous arguments are sound, and census returns include both *cives sine suffragio* and *proletarii*, Mommsen's conjectures will not justify the higher total. Thus it seems that we should read Orosius as stating that the Romans had 248,200 foot and 23,100 horse, and infer that all the figures given by Polybius for men on the registers include men in the field, whether Romans or allies. This conclusion seems plausible for another reason: neither the allied governments nor Fabius are likely to have gone through the complicated procedure of deducting the numbers of men actually under arms from the totals of men available for service. Moreover, the totals on this hypothesis appear congruent with other evidence. In particular, if the Roman adult males numbered 325,000 as early as 229, we must allow for a further increase by 218, and the strain on Roman manpower in the Hannibalic war is rather less comprehensible. We should also have to assume a very marked decline during the war, which I should regard as excessive, to make a total of perhaps 350,000 in 218 coherent with later census returns. None the less, the higher figure for 229 cannot be strictly refuted.

On the most likely interpretation Fabius' grand totals are without value for estimating the population of Italy in 225, and we can hope to reach a probable estimate only by examination of the detailed figures. But here again many problems arise.

Toynbee has pointed out that of the peoples listed by Polybius only the Lucanians formed a confederacy which was allied to Rome as such and could have made a return of numbers as a unit. It is patent that the figures given by the Marsi, Marrucini, Frentani, and Vestini must have been added together, to make a single total, by Fabius or Polybius. The same is true of the Latins, who were divided into *at least* thirty cities, and indeed of all the other peoples. It is clearly possible that whoever made such additions overlooked some figures; the totals given are thus minima. In fact, there is no record of the manpower for many allies. For instance, the Paeligni and Asculani do not appear; perhaps they were omitted; perhaps the numbers they returned were included along with those of their neighbours, the Marsi, etc. I shall assume that the second alternative is correct; this is supported by consideration of the relative density of population in the different regions (pp. 53 ff.). Similarly I shall assume (with Beloch) that the Samnites include peoples of the same stock, once associated with them, who are also not named, the Sidicini, Larinates, Nolani, and Nucerini; that this is plausible will appear later. Beloch thought that the Latins were only the citizens of the Latin colonies, 28 before the foundation of Cremona and Placentia in 218; he grouped the men of Tibur and Praeneste with the

'Sabine' levy and the Hernicans with the Abruzzi peoples. This seems improbable. The Latin colonies were widely scattered, and if they form a category of their own, the basis for the distinction must rest in status, language, and origin, not in geographical location. In particular, it would have been inconvenient for any allied contingent to consist partly of Latin and partly of Oscan speakers. For both juridical and linguistic reasons Tibur, Praeneste, and the Hernicans should count as Latin; and the same may be said of the Volscian towns of Fabrateria and Aquinum, which were surrounded by Roman or Latin territory and had probably been Latinized; other Volscians had even received citizenship, with or without the vote.[1]

The northern allies constitute a greater difficulty. On the face of it we have no figures for them except of their forces actually in the field. According to Polybius the Etruscans and Sabines had mobilized over 50,000 infantry and 4,000 cavalry; these troops first marched to Rome and were then stationed to protect Etruria under command of a praetor. But it is hardly credible that with a Gallic invasion imminent so large an army first assembled at Rome, denuding Etruria of defence, or that the unnamed praetor commanded an army larger than that of both consuls put together, or that it was defeated by the Gauls without difficulty and would have been annihilated but for the interposition of the consul, L. Aemilius. These objections to Polybius' story, put by Beloch,[2] seem decisive. Beloch therefore supposed that the figures for Etruscans and Sabines—and the same goes for Umbrians and Sarsinates—were in fact drawn from the census rolls, and are on a parity with those given in Table III. Afzelius supported this by conjecturing that Polybius knew that the northern allies mobilized tumultuary levies at an early stage of the campaign and that he jumped to the conclusion that this was a levy *en masse*.[3] I believe this to be correct.

However, before we can give any figure for Etruscan census-returns, a further problem arises. Who are the 'Sabines' and how many of them were counted in Polybius' joint total for Etruscans and Sabines?

The answer should be 'none', if the Polybian figures really represent men on the registers and not men actually in the field. (i) On that premiss the population of Etruria would be incredibly low, if a significant proportion of the men returned were not Etruscans at all, but Sabines. (ii) As citizens, the Sabines should have been included in the Roman total.

[1] For further particulars cf. Toynbee 488–90 (showing *inter alia* that the Greeks and Bruttians cannot be included with the Apulians and Lucanians), 496. Salmon 294 n. 5 has recently denied Beloch's construction of 'Samnites', but 293 n. 1 tends to confirm it, cf. p. 50 n. 3. Cf. also p. 53, on density of population among the 'Samnites'. The districts (Samnites, etc.) may have played a role in Roman military organization rather like that of the tribute districts in the Athenian empire. Cf. Livy xxii. 24. 12 for levy of 8,500 men 'toto Samnio'. Toynbee 426 n. 5 lists other mentions of allied contingents; the reference for Placentia should be Livy xli. 1. 6; and xxviii. 45. 19 attests 'milites' (sent voluntarily) by 'Umbriae populi'. [Cf. Ilari (cited p. 725) n. 56.]

[2] *Bev.* 364 f.

[3] Afzelius I, 101 f.

It has generally been supposed that since 264 all the Sabines were full citizens. Recently, however, it has been maintained that many of the Sabines had not yet received the suffrage.[1] This cannot be proved or disproved, but its truth could not affect our calculations, if *cives sine suffragio* were also included in the Roman total (pp. 17 ff.).

To avoid the absurdity of thinking that any Sabines are included in the figure for the Etruscan and Sabine levy and have consequently been counted twice over we can assume (*a*) that there was a tumultuary levy of Etruscans and Sabines actually in the field, whose strength was not known; (*b*) that the Etruscans, like the southern allies, made a return of the men on their rolls; (*c*) that the figure for this return was carelessly taken to be that for the number of Etruscans and Sabines already in arms, whereas (*d*) it included no Sabines at all.

There are some other omissions or incongruities in the data supplied. (*a*) No figures are given for the cavalry of the Umbrians and Sarsinates or of the Veneti and Cenomani. Beloch suggested that the first group must have had 2,000, by analogy with other Italians, and the latter 8,000, by analogy with the hostile Gauls.[2] (*b*) The figure for Apulian horse is disproportionately high. Toynbee has tried to explain it on the ground that the Tavoliere provides exceptionally good pasturage.[3] Even so, it seems unduly large; if we amend from 16,000 to 6,000, the Apulians still have a higher proportion of cavalry than most other Italians. (*c*) The figure for the foot-soldiers of the Abruzzi peoples is impossibly low in relation to their territory and to the number of their cavalry;[4] Beloch amended from 20,000 to 40,000, so as to give the same ratio between foot and horse as for the Samnites and Lucanians, Afzelius to 30,000, on the ground that this figure provided the most plausible relative density of population (*infra*). I shall adopt Afzelius's figure.[5]

The effect of these adjustments to Polybius' detailed figures is to leave the total that emerges for the cavalry unchanged, as those in (*a*) and (*b*) cancel out, but to add 10,000 to the total that emerges for the infantry. Pliny differs from all our other sources in giving 80,000, not 70,000 cavalry, and Beloch suggested that he had before him the lost figures for the horse of the Umbrians and Veneti and Cenomani together with the corrupt figure for the Apulian horse; the total would then be 80,000.[6]

[1] See *contra*, Brunt, *Collection Latomus* cii, 1969, 121–9.

[2] *Bev.* 359. The ratio of horse to foot among the Boii and Insubres is given as 20,000: 50,000 (Pol. ii. 23. 4).

[3] p. 499, where he also suggests that the Frentani possessed part of the Tavoliere; hence the higher ratio for horse in the Abruzzi returns (a ratio retained, though to a lesser degree, with Afzelius's emendation).

[4] Beloch, *Bev.* 360 noted that 10,000 Marsi and Paeligni were hastily raised in 49 (Caes. *BC* i. 15). [5] Cf. n. 3.

[6] The totals for cavalry in both Pliny and other sources are, of course, too large, as they have added men in the field to men on the *katagraphai*.

Table IV*b* sets out the amended figures for allied returns.

No figures are transmitted for the Greek cities nor for the Bruttians, and they were also evidently not included in the totals. The reasons are unknown. It has been held that the Polybian lists relate only to allies who were required to furnish troops *ex formula togatorum*, and that the Greeks and Bruttians as *socii navales* had the obligation to furnish ships and crews, not troops. But there is evidence that some Greek cities did furnish troops,[1] and there is no reason to think that at this time the Bruttians, who were landsmen, were not under the same obligation.[2] Moreover some or all of the other allies could be required to furnish ships and crews;[3] in other words the allies who had to supply soldiers *ex formula togatorum* and the alleged *socii navales* were not mutually exclusive classes. It is also doubtful if the return demanded by Rome in 225 has any connection with the *formula togatorum*.[4] The only explanation of the fact that Greeks and Bruttians are missing must surely be that in the crisis of 225 they were so far away, and their military contributions perhaps so lightly regarded, that Rome did not trouble to require returns from them.

For the purpose of comparing the data of 225 with the first census after the enfranchisement of 'Italy' on which we could possibly rely, that of 70/69, we need some estimate of the Greek and Bruttian population in 225, whereas the figures for the Veneti and Cenomani are irrelevant, as in 70 they did not yet belong to Italy and had not secured the franchise.

For the Bruttians we have some data from the Hannibalic war. After Cannae all the Bruttians revolted except Petelia and Consentia. Petelia stood a siege for eleven months but was starved out; 800 citizens escaped, it is said, and were restored to their homes at the end of the war. Consentia also fell in 215 after a brief resistance. In the same year the Bruttians attacked Croton with an army of 15,000 men, according to Livy's estimate. Plainly the Petelians did not take part in the attack, and probably the Consentians were also absent. We might assume that the army sent against Croton comprised most of the *iuniores* of the remaining Bruttians and that contingents from Petelia and Consentia might have brought it up to 20,000. These assumptions do not inspire much confidence, and the correctness of Livy's estimate must also be in doubt; the attack on Croton was outside

[1] Livy xxiii. 1. 5 ff.; xxiv. 13. 1.

[2] The alleged exclusion of Bruttians (and also Picentines and Lucanians) from military service was after the Hannibalic war, pp. 278 f.

[3] Toynbee cites Livy xxvi. 39; xlii. 48. No doubt all allies with a seaboard had to provide crews with some proportionate decrease in their military obligations; even the Roman maritime colonies were liable, though otherwise only Roman *proletarii* and freedmen were conscribed for the fleet. (For extensions of the use of the term *socii navales* see Thiel I. 77.) We even hear of Samnites in the fleet (Zon. viii. 11. 8, cf. for Samnite seamen before Rome conquered them, Dion. Hal. xv. 6. 3); conceivably 'Samnites' here refers to the southern Campanian cities. See p. 88 n. 4.

[4] See Appendix 7.

the main operations of the war, and we may doubt if he had any reliable source.[1]

There is also no good evidence for the population of the Greek cities. Livy says that at the time of the Bruttian attack Croton had suffered so heavily from previous disasters that its citizens of all ages numbered under 2,000.[2] Probably all the Greek cities, Tarentum and perhaps Naples excepted, were now small.[3] They had all suffered, apart from Naples, in struggles with their Italian neighbours down to the time of Pyrrhus; Rhegium had been occupied and Caulonia sacked by the Mamertines.[4] As *socii navales* they must have contributed to Rome's fleets in the first Punic war and shared in the heavy losses. No doubt Tarentum remained populous. Strabo gives her 30,000 foot and 4,000 horse, but at a period not clearly defined and probably much earlier than 225. About 300 she had been able to put 20,000 foot and 2,000 horse into the field, but at that time she had probably been able to raise troops from subjects, lost since then. Beloch held that the figures include the 10,000 mercenaries and other forces brought to her aid by king Cleonymus of Sparta; this is certainly not what Diodorus means, but it may be what he ought to have said.[5] When the Romans captured the city in 209, they were said to have massacred some of the people and sold 30,000 slaves. Livy gives this figure with reserve; it recurs so often in relation to numbers sold as slaves when a city was sacked that it may be purely conventional. In any case it seems to relate to the slaves of the Tarentines; the fate of the citizens had not been decided, and in due course they were readmitted to alliance with Rome. It must then be concluded that we have no means of determining the number of Tarentine citizens.[6]

Beloch remarked that the territory of Bruttium, including that of the Greek cities, was roughly equal to that of the Lucanians. The density of population is unlikely to have been less. In Apulia it is, on Polybius' figures,

[1] Bruttian revolt, Livy xxii. 61. 11 (cf. Pol. iii. 118); xxiii. 1. 4, 11. 7 and 11. Petelia, xxiii. 19. 4 ff., 30. 1 ff. (a doublet, indicating that Livy followed more than one source), cf. Pol. vii. 1; App. *Hann.* 29 (number of survivors). Consentia, Livy xxiii. 30. 5. Croton, 30. 6 f.; xxiv. 2 f. (number of Bruttians, 2. 2)—another doublet. Polybius was one source for Livy on south Italian affairs (De Sanctis iii. 2. 361 ff.).

[2] Livy xxiii. 30. 6, cf. xxiv. 3 on the desertion of much of the town. Polyb. x. 1 refers to its earlier prosperity.

[3] viz. Elea, Rhegium, Locri, Caulonia, Thurii, Heraclea, Metapontum. Cf. E. Ciaceri, *St. d. Magna Grecia* iii, ch. xv. App. *Hann.* 57 refers to 3,000 pro-Carthaginian Thurians in 204, but by then "Thurians' included refugees from elsewhere (ibid. 49; Zon. ix. 6; Livy xxvii. 1. 14).

[4] Pol. i. 7; Diod. xxii. 1. 2; Oros. iv. 3. 4; Paus. vi. 3. 12.

[5] Strabo vi. 3. 4; Diod. xx. 104, cf. Beloch, *Bev.* 302; cf. n. 6.

[6] Livy xxvii. 16. 7; for fate of Tarentines, 21. 8, 25, 35. 4; xxxv. 16. 3. Conventional figure of 30,000; [see esp. Menander, *Epitr.* 730 f. (Koerte), cf. Diod. v. 17. 2,] xvii 14. 1, Arr., Anab. ii. 24. 5 (Tyre 332); Jos. *BJ* i. 180 (Tarichea); Suet. *Galba* 3. 2 (Lusitani). H. Volkmann, *Die Massenversklavungen der Einwohner eroberter Städte in der hellenistisch-röm. Zeit*, 1961, 110 ff., defends such figures, unconvincingly. Strabo's figure (last note) may also be conventional.

rather higher, and the coast of Magna Graecia, despite the decadence of the cities, is so much more naturally fertile than the Lucanian hinterland that it would be prudent to suppose that the population was greater. No doubt the Greeks had more slaves, however, and it is probably an error on the high side, if we suppose that the free inhabitants of Bruttium and Magna Graecia rather exceeded those of Lucania, perhaps by the ratio of 6 to 5.[1]

Turning back to the figures for the other Italians we must ask what they mean. Beloch and Afzelius held that they represent only *iuniores*. Polybius in fact states that Rome required returns of 'men in their prime' and describes the grand total as consisting of 'men able to bear arms'.[2] However, this total includes a figure for Roman citizens which in Beloch's view (and mine) relates to all adult males. If Beloch is right, Fabius has been guilty of yet another blunder, in treating as comparable Roman census figures which comprised all adult males and Italian figures which comprised only *iuniores*. And Beloch himself is inconsistent in interpreting Polybius' expressions as indicating that only Italian *iuniores* were counted, whereas he sets aside similar expressions relating to the Roman census.[3] Beloch also argued that Rome was interested only in the number of men her Italian allies could put into the field. But this need not be correct. The Latin colonies, for instance, were 'propugnacula imperii'; their defence, for which *seniores* could be employed, was hardly less vital to Rome than the contingents they could send to Rome's armies. All the Italians were clearly bound to provide for their own protection when invasion was imminent. It might then be maintained that Rome needed information on their total manpower resources. Against this, it could be said that in the particular emergency of 225 Rome was most concerned with the number of soldiers available for operations in the field. In that case one would expect the returns to exclude *proletarii* as well as *seniores*. This is the view taken by De Sanctis (below) and most recently by Toynbee.

Can we obtain any light on the meaning and reliability of the figures by comparing them with each other and with modern population statistics? Following Beloch, Afzelius computed the areas inhabited by the various Italian peoples.[4] Estimates depend on ancient literary and epigraphic evidence, the known boundaries of Christian dioceses, which normally corresponded to those of ancient cities, and other topographical arguments; they can claim only approximate validity. Afzelius suggested that a useful comparison could be made between the Polybian data and the density of *agricultural* population, area by area, as revealed in the Italian census of 1936;

[1] Beloch, *Bev.* 358. Beloch thought that the number of Greek citizens in south Italy had once reached 80,000–90,000 and guessed that the total population, free and slave, in the territory they controlled *c.* 400, was 600,000 (*Bev.* 305; *Gr. Gesch.* iii². 1. 307 ff.). Cf. Toynbee i. 492 ff., who conjectures 44,000 Bruttians and Greeks as compared with 33,000 Lucanians. My estimate may be too low.

[2] Pol. ii. 23. 6, 24. 16. [3] See pp. 21 ff. [4] I. 63 ff., summarized 102–6.

this, he argued, was the right comparison, as most inhabitants of Italy in 225 must have been agricultural.[1]

Table V is constructed on the basis of Afzelius's figures. The first column shows the Polybian numbers as amended in Table IV*b* for the allies. On the assumptions that these are numbers of *iuniores* only and that the proper ratio of *iuniores* to *seniores* is 3:1,[2] a comparable figure is given for Roman *iuniores* in this column. Column 2 gives the Roman numbers, as recorded by Polybius, representing both *iuniores* and *seniores*, and numbers of allies, increased by one-third to include *seniores*. Column 3 gives numbers of Roman citizens on the assumption that 10 per cent should be added to the recorded figure, and of allies (*iuniores* and *seniores*) on the assumption that they returned only *iuniores* and that 20 per cent should be added; these last assumptions are explained later. In column 4 the numbers of free men, women, and children are estimated on the basis that the adult males shown in column 3 constituted about 31 per cent of the free population (see, however, p. 59). Column 5 shows the area in square kilometres of the various peoples, and in columns 6, 7, and 8 the number of adult males per square kilometre is given, in relation to the numbers shown in columns 1, 2 and 3 respectively; in column 9 the number of free persons per square kilometre is given on the basis of the estimates in column 4. Finally, for comparison in column 10 the numbers of the agricultural population per square kilometre, as recorded in the census of 1936, are shown for each people, other than Roman citizens and Latins, who were settled among various regions.

On any of the computations of density of population in columns 6–9 it appears that the Roman, Latin, and Samnite territories were the most thickly settled. 'Samnite' territory includes southern Campania, the modern province of Napoli, and the density here is only paradoxical at first sight.[3] So far as the Latins were concerned, we may assume that in confiscating land to establish a Latin colony, the Romans took the best land they could find adjoining a site suitable for defensive purposes. The modern traveller can sometimes see for himself that the land once held by a Latin colony, e.g. Carseoli, is superior to the neighbouring land. Moreover, when a colony was founded, land was distributed in small allotments. In the second century, and probably earlier, *equites* and on one occasion, at Aquileia, centurions received larger holdings than *pedites*, but the largest allotments varied from 30 to 140 *iugera*, and did not constitute great estates.[4] It is

[1] Ibid. 115 ff.

[2] Ibid. 100. He uses the ratio in the Italian census of 1931, ignoring men over 65, on the ground that the average age must have been lower in antiquity. In Ireland in 1841, with a high death-rate, men and women aged 17–46 inclusive seem to have numbered about 43 per cent, and those aged 47 upwards about 14 per cent (K. H. Connell, *Population of Ireland*, 1950, 192). In view of the heavy mortality in the first Punic war, Afzelius's proportion of *seniores* is, if anything, too high. Beloch's proportion of 1:2 (*Bev.* 367) is impossible.

[3] Nola, Nuceria, etc.

[4] Livy xxxv. 9. 7 f., 40 f.; xxxvii. 57. 7 f.; xl. 34. 2.

TABLE V

FREE INHABITANTS OF ITALY IN 225

	1 Assiwus (uncorrected)	2 Adult males (uncorrected)	3 Adult males (corrected)	4 All free persons	5 Territory in sq. kms.	6	7 Numbers per. sq km.	8	9	10 Numbers per sq. km. of agricultural population (1936 census)
						under col. 1	under col. 2	under col. 3	under col. 4	
Romans	205,000	273,000	300,000	983,000	25,615	8·0	10·6	11·7	36·0	
Latins	85,000	111,000	134,000	431,000	10,630	8·0	10·4	12·5	40·6	
'Sammites'	77,000	103,000	123,800	309,000	10,350	7·4	9·9	11·9	37·8	49·0
Apulians	56,000	75,000	89,600	284,000	17,085	3·3	4·4	5·2	16·6	26·6
Abruzzi peoples	34,000	45,000	54,400	172,000	7,410	4·6	6·1	7·3	23·2	30·3
Etruscans	54,000	72,000	86,400	274,000	19,085	2·8	3·8	4·5	14·4	20·0
Umbrians	22,000	29,000	35,200	111,000	7,235	3·0	4·0	4·9	15·3	24·0
Lucanians	33,000	44,000	52,800	167,000	10,400	3·2	4·2	5·1	16·1	25·0
Total	566,000	752,000	875,600	2,753,000	107,810	5·2	6·9	8·1	25·5	

SOURCES: Afssiwus I, 98–106, 123–5 (except for Roman figures in columns 1, 3, and 4). For explanations see pp. 53, 55.

Note. On p. 59 it is conjectured that Bruttians and Greeks would have brought up the total in 3 to 941,600 and in 4 to 2,962,000.

surely significant that only one-seventeenth of the Latins available for service in 225 were *equites*, whereas among both the Romans and the other allies the proportion was about one-tenth. Probably among the Latins there was less concentration of property, and less cultivation of the soil by slaves; the free population was correspondingly denser. No doubt there were most great estates (outside Etruria) in the Ager Romanus, but the relative density of the free population there can be explained, partly by the exceptional fertility of the Capuan soil, and partly by the probabilities that Capua itself was a town of some size, and Rome the largest in the peninsula (though we have no means of determining its size).

The ratios for the density of population in the non-Latin allied territories, as shown in any of columns 6–9, correspond pretty well with the ratios for the density of the agricultural population given in column 10. For instance, in 1936 the former 'Samnite' lands were almost two and a half times as thickly populated as rural Tuscany, and in 225 it would seem that the ratio was not greatly different. The gap might be narrowed if we had any means of assessing the number of slaves. A high proportion of the labour force in Etruria, both in the fields and in the towns (where industry was indeed thriving), may well have been servile,[1] and the serfs or *penestai*, as well as the slaves, may have been excluded from the register. Nearly a century later Tiberius Gracchus found much of 'Etruria' cultivated only by slaves. It is true that the part he traversed, supposing that he went by the Via Aurelia, was largely within the Ager Romanus both then and in 225, and therefore not comprised in the territory of the Etruscans; but it would be natural to think that the Roman owners or occupiers were adhering to the old Etruscan practices. Afzelius observes that in much of northern Etruria Volaterrae was the only city; it was a relatively empty country.[2] The raids of Ligurians in the Apennines must also have made the north insecure and held back development (pp. 191 f.), and extensive marshes lay between Pistoia and Florence. In relation to the other allied figures, those given by Polybius for the Etruscans and Umbrians seem adequate, measured by Afzelius's standard of comparison, to include all the free adult males registered on the *katagraphai*; and this confirms the view previously taken that Etruscan and Umbrian numbers are *in pari materia* with the numbers for the southern allies. It is true that Pliny thought that in neighbouring Picenum (now settled by Romans) 360,000 had once taken an oath of allegiance to Rome, but he can have had no good authority for this monstrously exaggerated total.[3]

[1] Industry, Livy xxviii. 45. For slaves or serfs see p. 87 n. 1; note especially the abortive slave revolution at Volsinii in 265 (*MRR* i. 201); this may have checked any process of emancipation. Dion. Hal. ix. 5. 4 supposed that the Etruscan 'penestai' served in the army, perhaps wrongly.

[2] Plut. *Ti. Gr.* 8. 7. See Afzelius I, 118.

[3] *NH* iii. 110, *cf.* Beloch, *Bev.* 424 f.

It remains to consider whether the figures for allies given by Polybius represent *iuniores* only, whether they include *proletarii*, and whether the returns made were less complete than those for Roman citizens, in other words whether there is any justification for taking account of columns 2–4 and 7–9 in the Table. The only evidence concerns the Latins.

The number of colonists sent out before 225 on the foundation of new Latin cities is reported in seven cases. In that of Venusia the figure given of 20,000 is plainly corrupt.[1] For the remaining six the average is 3,800, and the number of adult male settlers per square kilometre 11·7.[2] In 218 the Romans were to send out 6,000 men to both Cremona and Placentia. Isolated in the far north amid hostile Gauls, these foundations may have been exceptionally large. Four additional Latin colonies, founded between 193 and 181, had an average complement of 3,400.[3] Now the Latins in 225 should have comprised 36 cities, viz. 28 colonies, the old Latin cities of Cora, Praeneste, and Tibur, 3 Hernican and 2 Volscian towns.[4] If Polybius' figures represent all adult males, then the average per city is only 2,300, but if column 2 is taken to be accurate, 3,000, and if column 3, 3,700. Except on the hypothesis that the population of Latin cities was declining, it therefore seems likely that the returns recorded by Polybius related to *iuniores* only, and that they were defective by at least 20 per cent. The density of population implied for the six colonies founded before 225, the number of whose settlers is transmitted, also agrees fairly well with the average density estimated on these assumptions.

Another argument might be adduced to show that the Polybian figures underestimate even the Latin *iuniores*. In 204 the 12 Latin colonies which had defaulted on their obligations since 209 were required to furnish twice as many foot as they had ever done and 120 *equites* apiece.[5] If the ratio of foot to *equites* remained 16:1 as in 225, the foot-soldiers required should have numbered 23,040 (12×120×16). Now these colonies were certainly

[1] Dion. Hal. xvii/xviii. 5. 2. Afzelius I, 131 f., notes that the number, equivalent to 4 legions, is unparalleled and the density of population implied for what was probably the colony's territory (800 sq. km.) greater than in modern times. Moreover, it may be that not all cultivable land was parcelled out, p. 86 n. 1. Luceria, whose territory was approximately the same, received (we are told) only 2,500 colonists. Conjectural emendation may be unwise. I have left Venusia out of my computations.

[2] *ESAR* i. 41, cf. Afzelius I, 130 ff. The density implied for Cales is very high and for Luceria very low; Afzelius points out that Cales was in fertile Campania and that density in the ancient territory of Luceria was in modern times half the average for Apulia. There is a good chance that the number of colonists would have been handed down in tradition, and the figures seem credible.

[3] Pol. iii. 40; other texts p. 53 n. 4. On the question whether we can suppose that many of the former inhabitants remained in Latin colonies and should be added to the number of colonists see Appendix 5.

[4] Afzelius I, 134.

[5] Livy xxix. 15. 5 ff. It was also provided that if unable to send so many *equites*, the colonies must send 3 additional *pedites* for every missing *eques*. Perhaps the demand for so many *equites* was known to be unrealistic.

among the least prosperous and least populous (cf. n. 1 below), and their numbers could hardly have exceeded the average of Latin cities. If that average was only 2,300 or even 3,000, of whom a quarter would have been *seniores*, their total manpower would have amounted to only 27,600 or 36,000. Indeed, even if we take the higher average derived from column 3, it would have been no more than 42,400 in 225 and probably less in 204, on account of war losses. I deem it impossible that Rome could have called out so high a proportion of the adult males as any of these figures imply, and would therefore suppose that the ratio of *equites* to *pedites* was raised. This could be explained. The Latin colonies were governed of course by the well-to-do, and it was this class that Rome held responsible for the disobedience of the twelve cities; they personally were punished by being compelled to serve in greater numbers than was usual. No conclusion on the size of Latin cities can then be drawn from the penalty imposed on the twelve colonies.

None the less the considerations previously invoked seem sufficient to show that the returns made by the Latins in 225 were for *iuniores* only and were incomplete even for them. I have argued that the Roman census returns are likely to have been defective by about 10 per cent. It would only be natural that allies, who had to fight in wars not of their own choice, should have been less zealous in making returns, if (as we may suppose) the *formula togatorum*, by which their liability to military service was determined, bore at least a rough relation to the manpower with which they were credited at Rome. Afzelius's suggestion that they were defective by 20 per cent may not be wide of the mark. Even on this hypothesis it looks as if there was little or no natural increase in the population of Latin cities after their foundations. This is plausible. We have to remember that an unknown proportion of settlers in new foundations came from already existing Latin cities, so that such natural increase as there was could be reflected in the foundation of additional colonies.[1] Some Latin cities doubtless prospered and grew in size; but the accretion of population in these may have been matched by a decline in others. In sum, the Polybian figure must be much too low for all Latin adult males, but the conjectural estimate in column 3 need not be far from the truth.

Afzelius assumed that all the allied returns were defective by 20 per cent, and column 3 of the Table is based on this assumption. But for the non-Latins the allowance made is perhaps too small, if that for the Latins is no more than adequate, since the former would have been less zealous to serve Rome. The Latins were bound to Rome by blood and by their reliance on

[1] The twelve colonies that defaulted in 209 had all been founded before 298; only 6 colonies of equal antiquity continued to send contingents. This suggests that the older a colony was, the more likely it was to lose men to newer foundations. (I take the view that these colonies were really exhausted, cf. p. 84.)

Roman protection. In the Hannibalic war, when even the 12 defaulting colonies refused aid only because they were exhausted, and again in 90 they displayed consistent fidelity to Rome.[1] No such loyalty was shown by many of Rome's other allies during Hannibal's invasion or in 90. It may be said that according to Polybius all alike were alarmed by the Gallic peril and that therefore they would all have been prepared to reveal their full manpower in the emergency. But the peril was remote to the southern allies, and it was not so long since Etruscans and Samnites had been leagued with Gauls against Rome; the fact that Hannibal enjoyed Gallic support did not deter revolts. Moreover, if the figures supplied in 225 were in fact based on a count taken during the emergency, it must have been hurried and for that reason inaccurate; but if the allies returned figures which they had collected some time before, in their most recent local censuses, they might have had in mind the risk that their normal military obligations to Rome might be increased, if the registrations seemed to warrant it. It is therefore plausible that the non-Latins are rather underestimated in relation to the Latins in column 3. At the same time Rome's success in conquering Italy is the easier to comprehend if the Romans and Latins together were more or less equal in numbers to the other Italians, as in column 3.

Beloch's estimates allowed on average only 17 free persons per square kilometre in allied territory, whereas he himself estimated that there were 19 persons per square kilometre in the England of 1377.[2] De Sanctis argued that third-century Italy was more developed and urbanized and that the density of population should have been greater; he therefore supposed that the returns from the allies excluded *proletarii*, who (as he says) would not have been called up for service against the Gauls.[3] However, we must ask why Rome demanded returns in 225. It is hardly credible that she could not otherwise have obtained all the soldiers needed. It therefore seems likely that the Roman senate used the universal alarm as a pretext for obtaining information about manpower resources which could be valuable on other occasions; the returns may indeed have been the basis for determining future liabilities of the allies *ex formula togatorum* (Appendix 6). The danger from Carthage still subsisted. In the first Punic war great numbers of men had been required for the fleet, and this requirement might recur (cf. p. 50 n. 3). For the fleet *proletarii* were employed (p. 402). This consideration alone seems decisive against De Sanctis. Moreover, Rome could never call out men to the extent of leaving no workers to till the fields, and *proletarii* could supply the necessary labour; to assess how many soldiers a city could provide, it was not irrelevant to know how many men of military age there were. We need not linger on De Sanctis's *ad hominem*

[1] Venusia excepted (App. *BC* i. 42).
[2] *Zeitschr. f. Sozialwissenschaft* iii, 1899, 409.
[3] *St. d. Rom.* iii, 1, 327 ff. [See vi. 22 for similar absurdity.]

objections to Beloch, who certainly assumed that *iuniores* were too high a proportion of adult males and adult males too high a proportion of total population, and who too readily believed in the completeness of the allied returns. His figures are therefore too low; the same objection does not apply to those given by Afzelius. There is little substance in De Sanctis's reference to urbanization; trade and industry were not far developed, and most townsmen will have gone out daily to work in the fields. In any case, to judge from modern evidence, urbanization may merely have raised the death-rate and perhaps reduced fertility. It is quite a different matter that modern states are generally populous in proportion to their urbanization, which reflects industrial development, with advanced medicine and hygiene to protect them against a high mortality. Moreover, it is far from evident that Italy must have been more densely inhabited in 225 B.C. than England in 1377. Technological improvements in agriculture, effective at latest in the twelfth century, had probably enabled the same labour force to cultivate 50 per cent more land in northern Europe than had been possible with the backward agronomy of the classical world.[1] More food could support more people, and despite the Black Death we cannot *assume* that even in 1377 England could not have been more populous than Italy in 225.

In any event, on the estimates in Table V, the free Italian population numbered in 225 2,962,000 and the average density is 25·5 per square kilometre. These figures may still be too low. (*a*) The non-Latin allies of Rome may have sent in even more deficient returns than is presumed; indeed the allowances of a 10 per cent deficiency in Roman returns and of a 20 per cent deficiency for the rest are of course mere conjectures. (*b*) It may be that adult males were only about 28 per cent, rather than 31 per cent, as supposed by Afzelius, of the total population; hence the Roman figures might be pushed up to 1,070,000 and the allies to 2,060,000.[2] The true density of the population, moreover, cannot be estimated, as we do not know how many slaves there were.[3] (The total of free inhabitants already includes a purely conjectural estimate of about 210,000 Bruttians and Greeks, corresponding to some 65,000 adult males.)[4]

[1] Lynn White, *Mediaeval Technology and Social Change*, 1962, ch. II.

[2] In Ireland in 1841 men over 17 numbered about 20 per cent of the population (Connell, p. 53 n. 2).

[3] Volkmann (p. 51 n. 6) 36 ff.; 113 ff. (and esp. Harris (cited p. 724) 63; 81 ff.; 297–3, cf. *SEG* xiii 36; Polyb. ix 28–39 with Walbank's notes.] All figures are suspect, but the tradition that the wars of conquest in early Italy were accompanied by such enslavements deserves credence. Even where free men were not sold into slavery, Rome may often have confiscated the slaves of defeated cities (e.g. Falerii, Val. Max. vi. 5. 1b), so that slaves would be most numerous in Roman territory. Cf. p. 67 n. 2.

[4] 'The statement that in Pyrrhus' time the Tarentines, Messapians, Lucanians, Bruttians, and Samnites could have put 350,000 foot and 20,000 horse into the field is in any case greatly exaggerated, even if it were true that Pyrrhus' army at Ausculum numbered 70,000 foot, and 8,000 horse, including 54,000 foot and about 5,000 horse of his Italian allies, numbers which may also be strongly doubted.' So Beloch (*Bev.* 425) on Plut.

Scrutiny of the data Polybius provides can thus yield only a plausible hypothesis. At best we may do no more than venture to conclude that the free population of Italy, including Greeks and Bruttians, lay between 3 and 3½ millions, and that the total population (including slaves) may easily have approached or exceeded 4 millions. These estimates seem likely to be maxima; if the returns were more accurate than has been suggested, the total free population would have been less than 3 millions. These provisional results must be judged by their coherence with whatever seems the most likely view of later demographic developments.

Pyrrh. 13, cf. 15 with Dion. Hal. xx. 1. In Table V the conjectural figures in column 3 for the peoples concerned total 330,600 if 65,000 Greeks and Bruttians are added. As the practice of taking censuses was widespread in Italy, Plutarch's figures *might* represent the number of adult males among the peoples named (not, of course, those they could put into the field). Allowing for the decay of Greek cities, and for losses that the Samnites and Lucanians had sustained in their final subjugation (since Ausculum some of their best land had been taken away for Latin Aesernia and Beneventum, and the Apulians had also had to forfeit land to Brundisium), we could conceive that the number of adult males had diminished since Pyrrhus' time by 40,000. De Sanctis ii. 385 n. 1 chose to emend Plutarch's figure for foot from 350,000 to 250,000 in the light of Pol. ii. 24. But emendation is neither required nor palaeographically plausible. The manuscript figure can be reconciled with the data of Polybius, in the way I have indicated. Moreover, doubt might be felt whether the statement by Plutarch (whatever his source and its reliability) has any evidential value on numbers. It is clear from our accounts of the campaigns of 280–79 and 275 that the anti-Roman coalition cannot have put into the field, any more than the Romans themselves (who employed at most 4 legions with allied contingents), forces remotely approximating to the numbers Plutarch gives, nor even to De Sanctis's estimate of 150,000 men available for active service, and in fact Plutarch reports not the numbers that the Tarentines etc. actually had at their disposal but the numbers they *claimed* to have, when they were trying to induce Pyrrhus to come to their aid. We have only to recollect the lies the ambassadors of Egesta told at Athens in 415 (Thuc. vi. 46) to see that such claims might be far different from the reality.

V

THE NUMBER OF CITIZENS FROM 225 TO 90 B.C.

THE number of citizens registered in 240 was about 260,000 (allegedly), in 233 270,713. The returns for 229, 224, and 219 have not been transmitted. However, the total given by Polybius for Romans and Campanians in 225 presumably rests on the registration of 229, and should be taken to be 273,000 rather than 325,000 (pp. 46 f.). If this be right, there had been virtually no disclosed accretion of the citizen body since 233. It is usual to regard this total as still valid for the size of the citizen body on the eve of the Hannibalic war. The assumption need not be correct.

Census returns reflect the effect of the birth-rate 18 or more years earlier, as well as that of enfranchisements and mortality since the previous *lustrum*. The first Punic war ended in 242; if it was followed, as the end of modern wars has often been followed, by a rise in the birth-rate, the consequential increase in adult males would not have been manifest until after 229. We may grant that the war had entailed less exertion in the years 248–3 than earlier, and that even in this period fertility may have increased and mortality declined, but the effect may still have been marginal as early as 229. A much greater increase might have been registered by 219. It is tempting to try to determine the extent of demographic recovery after the first war with Carthage by comparison with that which followed the second, a recovery which we might guess to have been slower, since the second struggle brought far greater sufferings and impoverishment to the citizens. Unfortunately, as will appear later, the first census of the second century which seems to be reliable is that of 168. The enumeration of that year, compared with the enumeration in 203, which also seems to have been accurate, shows an annual percentage increase of 1·3 per cent, despite severe mortality from plagues and some possible net loss to Latin colonies. A similar increase would have brought the number of *registered* citizens up from 273,000 in 229 to 310,000 in 219. But in 218 12,000 colonists were sent to Cremona and Placentia,[1] of whom 8,000 might well have been Romans; for caution I would then place the probable total of registered citizens at 300,000 by 218. Now registrations are unlikely ever to have been complete. In general I have assumed a deficiency of 10 per cent. In that case the true number

[1] Pol. iii. 40. 4.

of citizens in 218 would have been 330,000. I shall take it to have been 325,000, of whom three in four, about 240,000, should have been *iuniores* (p. 53).

It may be objected that in this decade no enfranchisements are recorded (though manumissions of slaves were doubtless proceeding at an ever-increasing rate), and that if the census figures from 339(?) to 293(?) are authentic, an increase in the citizen body seems to depend entirely on enfranchisements; thus the hypothesis of any natural increase cannot be entertained. But the reliability of these figures is in grave doubt (Chapter III, section (i)). The experience of the period from 240 to 218 is more likely to be similar to that which followed the Hannibalic war.

It has been suggested above (p. 28) that land distributions could have favoured natural increase. In 241 two new tribes were created. However, it would seem that the old citizens registered in these tribes, Quirina and Velina, had been allotted their lands before the first Punic war.[1] In so far as any Sabines and neighbouring peoples were registered in them, the total of registered citizens should not have been affected, since as *cives sine suffragio* they should already have been included in the totals returned by censors, and indeed they had probably received the vote in 264 (p. 49). The only recorded distribution of land to citizens in Roman territory within the period from 240 to 219 was that effected under Flaminius' agrarian law of 232.[2] Sons born to the colonists under his scheme would not have been old enough to be enumerated in 219. However, if it be true that agrarian schemes tended to promote fertility, the generation rising during the second Punic war should have been larger, as a result of the settlement in the Ager Gallicus and Ager Picenus. In any case, we might expect that more males were coming to maturity in the penultimate decade of the third century than in the 230s or even the 220s, since the mere return of peace might have stimulated the birth-rate. Thus, the losses in the Hannibalic war should in some measure have been replaced year by year.

The putative total for 218 includes the Campanians. We have an estimate of their numbers at the time of their revolt in 216 of 34,000.[3] This should be raised to 38,000 on the assumption that it is based on a census return and that that return was 10 per cent defective for the Campanians as for other citizens. The Campanians did not resume their citizen rights in 212 after the fall of Capua and were, therefore, omitted from the census returns of 208 and 203. The recorded figures for those years are 137,000 and 214,000.[4] Manifestly the first figure cannot be used; it is not only out of line with all other census returns but hardly compatible with the number of citizens in military or naval service. It must either be corrupt or represent a gravely

[1] Taylor, *VD* 59 ff.; on the Sabines cf. p. 49 n. 1.
[2] *ESAR* i. 60 f.; the number of settlers is unknown.
[3] Livy xxiii. 5. 15.
[4] Table I.

defective registration. If it be assumed that serving soldiers and men with the fleet, perhaps 75,000 in all,[1] were omitted, it would be almost identical with that in 203, when the censors were at special pains to enumerate soldiers abroad and *a fortiori* those in Italy;[2] this return should be as accurate as any ever made. It would follow, if this assumption is made, that wastage between 208 and 203 was roughly made good by the accretion of new year-groups coming of age; that is quite plausible. If we add 10 per cent to the 203 total and produce a total of 235,000, the net decrease since 218, with the Campanians omitted then too, is about 50,000, or 17 per cent.

Toynbee accepts the transmitted figure for 208 and holds that it was incomplete, since the censors failed to register not only men under arms, but also many civilians who were only restored to their homes in 206; till then, they could not easily have been identified and registered. But there is no good reason for his notion that large numbers of citizens fled from their homes in the country during the war (cf. Chapter XVI). Toynbee's assessment of the demographic effect of the war is, also, much more gloomy than mine, because while not allowing for any increase in the citizen body between 233 and 218, he would like to think that the Campanians were included in the returns for 208 and 203 and that they numbered many more than 34,000.[3]

His views on the Campanians cannot be accepted. He admits that after their surrender the Campanians would not have been eligible for military service, nor of course for voting rights, but suggests that they would still have had to pay *tributum*, and that the censors would have thought it necessary to include them on that account. He thus ignores the fact that the property of the Campanians had been for the most part confiscated; the contribution they made to the treasury's needs now took the form of rents.[4] In my judgement, they were *dediticii*, not *cives* till 189.[5] True, they could have been registered on the spot, without coming to Rome, by the *praefecti Capuam Cumas*, as Toynbee suggests; but they were simply not entitled to be registered. In 189 they asked the senate where they should be registered, and the senate, according to Livy, decided that they should be registered at Rome. In 188 they obtained a consequential decree entitling them to marry Roman women and validating unions of the kind already contracted; no doubt, it then became equally legal for Romans to marry Campanian women.[6] The second decision implies that hitherto the Campanians had lacked the private rights of citizens (as well as the public); i.e.

[1] See Chapter XXIII, section (ii).

[2] Livy xxix. 37. 5. Throughout this chapter I assume that a census was completed in the second year in which the censors held office, cf. Appendix 4.

[3] Toynbee I. 473 ff., cf. 499.

[4] Cic, *leg. agr.* ii. 76 ff., esp. 80 f.; 84 confirms Livy xxvi. 16. 8.

[5] Livy xxvi. 34. 7 (though most of the *senatus consultum* was not implemented).

[6] Livy xxxviii. 28. 4, 36. 5 ff.

they were not regarded as citizens. The first decision presupposes that it had already been determined that they should be registered as citizens, but (as Livy says) that it had not been made plain where. But there could have been no such uncertainty if ever since 208 or 203 they had been registered locally by the *praefecti*, in the same way as (in my view) they had been registered locally, but by their own magistrates, before the revolt (p. 20). Since the Campanians had been accustomed to local registration before 216 but no longer had magistrates to perform the task in 189, they were naturally puzzled where their declarations were to be received. The answer was Rome; we must not infer that the practice was not altered later, for convenience. Toynbee's suggestion makes Livy's account unintelligible.

Toynbee also holds that the 34,000 Campanians mentioned by Livy were 'only *iuniores* qualified for service in the land-forces' and surmises that 'the total number of Campanian *civium capita* . . . will have been about 57,400'. Toynbee of course believes that the allied returns in 225 excluded *proletarii*, a thesis I have sought to refute (p. 58). But even if he were right in his belief about the allied returns, it would not follow that the figures for *cives sine suffragio* excluded *proletarii*; on Toynbee's own view, they should be extracts from the Roman census returns, which he too thinks included all adult males.

I have calculated elsewhere (pp. 417 ff.) that by the end of 215 the number of citizens who had 'ever served' in the legions, since 218, including the dead, discharged, and those still in arms, was about 105,000, excluding the *volones*, slaves manumitted in 216 on condition of enlistment. After Cannae the Romans had already had to resort not only to the enrolment of these slaves but also to that of boys and debtors, in order to raise 2 new legions.[1] In 215 only 1 more new legion was formed. In 214 it was found that no more than 2,000 citizens had so far evaded military service since 218.[2] Yet if we assume

(i) that the number of adult male citizens in 218 was about 325,000, or 285,000 without the Campanians;

(ii) that of these 75 per cent were *iuniores* (p. 53),

it follows that in 218 there were 210,000 *iuniores*, not counting the Campanians. Furthermore it is reasonable to hold

(iii) that some Campanians must be included in the total of those who had 'ever served' (pp. 17 f.);

(iv) that the cohorts of boys reaching the minimum age for active service each year from 217 to 214 were larger than the cohorts of men passing beyond the maximum age.

[1] Livy xxii. 57. 9 ff.; the measures were dictated by 'inopia liberorum capitum ac necessitas'; for defence of the reliability of this chapter see Appendix 22. Cf. xxv. 5. 5 ff. for renewed recruitment of boys because of 'inopia iuniorum'. [2] xxiv. 18. 7 ff.

It is thus clear that the number of *iuniores*, on the assumptions made, was more than double the number of those who had 'ever served'.

This gap can be reduced by varying the assumptions, and by other devices.

(i) We might put the number of adult males in 218 at 274,000, subtract 34,000 Campanians, and estimate that of the remaining 240,000 citizens 180,000 were *iuniores*.

(ii) I have allowed for 50,000 citizens killed; the casualty figures that Polybius gives, taken with other losses, might easily suggest 110,000 and bring the number of 'ever served' up to about 170,000.

(iii) The figure of 'ever served' excludes men with the fleets. Now in 215 there were nominally 35 ships in Spain, 75 in Sicily, 50 in the Adriatic, and small squadrons were sent to Sardinia and Calabria. If all were quinqueremes with full complements of rowers and marines, i.e. 340 men per ship, the first three squadrons alone required 54,000 men.[1] It was evidently an innovation in 214 when slaves were employed: the precedent was copied in 210.[2] In 215, then, the crews were free men. But it does not follow that they were mostly citizens. Not only *socii navales* in Italy but Sicilians too could be impressed. However, there is no way of refuting the proposition that (say) 30,000 citizens were with the fleet.

(iv) In one way or another the gap thus disappears altogether, especially as there were some men exempt from service, largely perhaps for physical unfitness, plus the 2,000 evaders.

These assumptions and devices strike me as implausible.

(i) For reasons already given, it is quite improbable that all citizens registered or that there had been no increase in numbers between 229 and the outbreak of war. Therefore the initial total of 180,000 *iuniores* is too low.

(ii) Polybius' casualty figures are inflated, p. 419.

(iii) It seems to me unlikely that citizens would have provided over half the naval personnel. For the Spanish squadron I would allow only a third, about 4,000 men, and for that in the Adriatic a half, say 9,000, only because the numerous revolts must have made it impossible to call on the Italian allies for sufficient men. The Sicilian squadron may have been mainly manned from the local population. The number of citizens with the fleets might be no more than 20,000.

[1] Thiel I. 189, cf. Kromayer 485 ff. See further Appendix 24.

[2] Livy xxiv. 11. 7; xxvi. 35. Thiel II. 73 f. argues that slaves had been used in the first Punic war. Pol. vi. 19. 3 says that *proletarii* were reserved for naval service.

(iv) We must also take into account the fact that some Campanians were among the 'ever served', and that new cohorts of young men were coming forward each year.

Hence the gap cannot be closed. If naval personnel are included, some 125,000 citizens (of whom about 20,000 with the fleets would have been *proletarii*) had 'ever served' up to 214, out of a total of perhaps 230,000 who were available. If the number of citizens who had evaded service was only 2,000, this can only be explained on the basis that they were the only *assidui* who had escaped their military obligations. The total number of *assidui* was then about 100,000; the rest, more than half, of the *iuniores* were *proletarii*, and Rome still had a large reservoir of manpower in this class.

In confirmation of this hypothesis we find that in 214 Rome raised 5 or 6 additional legions. That means that some 27,000 more soldiers were enlisted. It is an inescapable conclusion that some *proletarii* were now called up.[1] In my view we must date to this year the first of two reductions in the property qualification for legionary service, for which there is other evidence (pp. 403 f.). It is no accident that at the same time slaves were recruited for the fleet, since the number of citizens available for naval operations was reduced as a result. Even now the poorest were apparently not admitted to the legions, for in 212 we hear again of an 'inopia liberorum capitum' and of the call-up of boys, which is unintelligible if all *iuniores* were eligible to serve in the legions, p. 64 n. 1.

It should indeed be obvious that even in the crisis of the Hannibalic war not all able-bodied men could be spared from civilian production. Is it not a mere absurdity to suppose that after losing 50,000 men, Rome could still provide 75,000 for her armies and fleets in 215 and increase her manpower effort in subsequent years? Must we not discard the annalistic evidence on which such figures are based?

If the annalistic evidence is sound, the peak year for men under arms is 212. Probably there were then 75,000 citizens in the legions, even on the assumption that not all were at full strength, and possibly up to 15,000 in the fleets, supposing that the proportion of citizens on naval service had been allowed to fall (Appendix 24). Now let us assume that in that year the number of *iuniores*, excluding the Campanians, was a mean between the number of 210,000 suggested as probable for 218 and that of 180,000 which can be deduced from the enumeration of 203, by adding 10 per cent to the total of registered citizens and deducting a quarter for *seniores*: it was then 195,000. About one man in two of those liable for active service on land or sea would then have been called up. Now I suggested on p. 59 that the adult males might have constituted between 28 and 31 per cent of the free population; let us take them to comprise 30 per cent, and the *iuniores* about 22 per

[1] See also pp. 402 ff. Gabba, *Athen.* xxvii, 1949, 181 ff., puts the change a little too late on the strength of Livy xxvi. 4. 10 (211). For numbers of legions see p. 418.

cent. It would seem to follow that about 11 per cent of the free population were in the armed services. The proportion might indeed have been rather lower, since the mortality in war must have affected able-bodied men more than it affected *seniores*, women, or children, at least in the earlier stages of the struggle; in time undernourishment and disease may have taken a heavier toll of the rest. Now De Sanctis and Thiel cited modern analogies: in 1913 some Balkan states and in 1914 Germany mobilized 10 per cent of the population for the armed services.[1] However, the strain on Roman manpower was more severe, not only because production per person was presumably much less than in modern Germany at least, but still more because the struggle was far more protracted, and the strain was only a little less in subsequent years than it had been in 212. However, so far the slaves have been neglected. We have only to suppose that the Romans owned not far short of half a million slaves to reduce the proportion of men in the armies and fleets far below 10 per cent, even after allowing that 20,000–30,000 slaves may have been used after 214 as rowers. There is of course no evidence for the number of slaves in Italy at this or any other time, but there had been some mass enslavements in the first Punic war, and an estimate of 500,000 need not be too high.[2] Slaves, together with women and children, could thus have kept up necessary civil production in the war, even though perhaps half the free able-bodied young men were with the armies and fleets.

None the less agricultural production may well have declined, even though Roman lands outside Campania were hardly affected by devastation, since there must have been a serious diminution in the labour force and since it was only from 211 that the rich Campanian land could again be worked for the benefit of Rome.[3] Little food could be imported; the Italians, loyalists and rebels alike, had to depend mainly on what they could grow for themselves, and in 211 there was a grave, if temporary, shortage.[4] The people certainly did not die *en masse* of famine, but undernourishment may have made them more susceptible to disease; serious epidemics are recorded in 208 and later in the war, associated with famine.[5] The old and the women

[1] De Sanctis iii. 2. 317 ff.; Thiel II. 191.

[2] 20,000 enslaved in Africa in 256 (Pol. i. 29); over 25,000 at Acragas in 262–1 and others at Mazaris and Camarina (Diod. xxiii. 9; Zon. viii. 10 f.); 13,000 at Panormus (Diod. xiii. 18); no doubt many in other Sicilian towns. Frank (*ESAR* i. 67) reckons 30,000 captured in Punic fleets. Sardinia, Corsica, Cisalpina (cf. Pol. ii. 31), and Illyricum must have yielded their quotas of slaves; the Aetolian treaty (Livy xxvi. 24. 11) illustrates the value Rome set on movable booty! Frank's calculations on manumissions and slave numbers (*ESAR* i. 101 f.) are, as he admits, virtually worthless, but the rich certainly had numerous slaves (p. 65 n. 2); they had probably been using newly acquired wealth to buy, but as early as 312 freedmen were a numerically important class (Taylor, *VD* 132 ff.), and Philip V's error in explaining the number of Roman colonies as settlements for freedmen (*SIG*[2] 543. 32 ff.) is significant.

[3] Livy xxvi. 16. 7, cf. Toynbee ii. 124 f.

[4] Pol. ix. 11 a, cf. pp. 273 f.

[5] p. 276 n. 2.

and children will ultimately have suffered from these factors perhaps as much as the young men from battle casualties, and in the army itself wastage from disease may well have taken a toll as heavy as the great defeats early in the war. These conditions must also have been unfavourable to conceptions and births, and indeed the marriage rate probably declined; even though soldiers serving in Italy could return home on leave in the winter months (and also help on the farms), there were between 6 and 10 legions overseas for many years, some 24,000 to 40,000 citizens (less casualties), who had no opportunity for reunion with their wives or for consummating new marriages; in Spain, at Carteia and Italica, some were to settle with foreign women.[1] It is likely that the women and children were also many fewer in 200 than in 218. Hence, the number of adult males may well not have risen fast after the end of the conflict.

The evidence we possess for the number of legions in the Hannibalic war and for the strain imposed on Roman manpower is of the first importance for evaluating the nature and reliability of the census returns. (i) There could have been no shortage of recruits for the army in 216–212 if all the citizens registered before the war had been *assidui*. About half seem to have been *proletarii*, some of whom were converted into *assidui* in the crisis. (ii) With about 300,000 adult male citizens the Romans were barely able to meet the demands made on their manpower. The census figure used by Polybius for 225 cannot have been a gross under-estimate, though we can reasonably assume some increase between 225 and 218. It is then safe to hold that the enumerations of the second century, though they may be progressively less accurate, are not of the wrong order of magnitude.

The interpretation of these returns is not simple. Some transmitted figures are evidently corrupt or represent grossly incomplete returns. It is likely that none is accurate, and, in particular, that soldiers serving abroad were usually not registered. Their registration in 203 (p. 63 n. 2) called for remark, and the precedent then set was not necessarily followed. In 70 citizens with Lucullus' army were not registered; it was not practicable in view of their distance (p. 36). It is worth noting the number of legions abroad in the years of census returns (Tables VI and VII): 2 in 193, 6 in 188, 4 in 178, 3 in 173, 6 in 168, 2 in 163, 2 in 158, 3 in 153, 10 in 146, 5 in 141, 4 or 5 in 135, 5 in 130, 7 in 124 and 6 in 114.[2] I see no reason why troops in Italy and Cisalpina should not have been registered, but I shall assume that no others were except in 168 (p. 74), though it is conceivable that the censors returned those in more accessible provinces, e.g. in Sardinia or Africa, and that soldiers dispatched overseas after censors had taken office were enumerated, even if the census was not to be completed till the following year. Apart from soldiers overseas, I suspect that returns were defective by 10 per cent, probably more as the century proceeded (pp. 33 f.).

[1] See pp. 206 ff. [2] Toynbee ii. 652 (from Afzelius II). Cf. p. 70 n. 2.

Migration to Latin colonies (p. 84 n. 4) cut down the rate of increase in the citizen body to an extent that we can roughly measure; it is harder to be sure that the action taken on occasion to check Latin migration to Roman territory (p. 72 n. 1) was consistently followed up and was effective in limiting the enfranchisement of Latins. Probably manumissions of slaves did more to raise numbers; of this we have no statistics at all.[1] Slave-workers in the fields were seldom freed; emancipation came more commonly and rapidly to domestics and to slaves employed in trade, industry, and the professions, i.e. to urban dwellers. The population of the city of Rome itself was probably growing fairly fast; though again we have no precise, and indeed no approximate, figures, it could be conjectured that the inhabitants numbered about 180,000 in the early third century and that they had doubled by the Gracchan period (pp. 383 f.); the greater part of such an increase must be ascribed to the influx of slaves. The predominance of freedmen and slaves in the city, which is a marked feature of the Rome of the late Republic and the Principate, was scoffed at by Scipio Aemilianus as early as 129. That manumissions were important in the second century is also shown by the thought given by censors of the time to the voting rights of freedmen and their sons.[2] No doubt they were not yet on the scale that they assumed in the first century; this in turn cannot be measured. However, the admission of Italians and slaves to the franchise was a factor in the growth of the citizen body which makes it impossible to attempt an explanation of the returns merely in terms of what we know or can surmise of mortality and fertility among the old citizens.

Since the distribution of lands to the poor could have had the effect of making it possible for them to raise families, it is worth reviewing the colonization schemes of the early second century under which the settlers retained Roman citizenship. A dozen maritime colonies were founded between 194 and 181; where the numbers are recorded, they each had only 300 settlers. Four inland colonies of Roman citizens were established between 183 and 177; of these three, and perhaps all four, each had 2,000 settlers. The total number of colonists thus provided for need not have exceeded 12,000. More important, as many as 40,000 veterans may have been allotted lands in 200–199; we do not know how many citizens benefited from the viritane distributions in the Po valley in 173. No sons of settlers sent out in 194 would have been eligible for registration until the

[1] Slave numbers are also unknown. Frank, *ESAR* i. 187 assembles information on slave imports. Our information about the slave revolts in Latium (198, Livy xxxii. 26; Zon. ix. 16), Etruria (196, Livy xxxiii. 36. 1–3), and Apulia (185–4, xxxix. 29. 8 f., 41. 6) does not enable us to gauge the numbers. The familiarity with Greek words Plautus could assume in his audience *c.* 200 is one indication of the influx of eastern slaves, cf. P. Spranger, *Hist. Untersuch. zu den Sklavenfiguren des Plautus u. Terenz* (*Abh. Akad. Mainz*), 55.

[2] Vell. ii. 4. 4; Val. Max. vi. 2. 3; *de vir. ill.* 58. 8 (Scipio). On incidents of 230/29(?), 189/8 (Plut. *Flam.* 18. 1, *cf. StR* iii. 437 n. 1; Frank, *CP* xix, 331 seems to be wrong), 169/8, and 115 see Taylor, *VD* 138 ff.; Badian, *JRS*, 1962, 207 f.

census of 173; for the sons of settlers dispatched in 183 and 173 (the remaining years in which there was most colonization) the relevant censuses would have been 163 and 153. We cannot be certain that colonization ceased in 168; with the loss of Livy's detailed narrative we might not be told of further allocations of land; but they must have been on a small scale until Tiberius Gracchus' land bill.[1] Thus the demographic effects of colonization, if indeed they were favourable, could not be reflected in census returns much before the middle of the century; and by that time they were probably beginning to be outweighed by the pauperization of peasants who had been longer established on the land.

TABLE VI

ANALYSIS OF CENSUS RETURNS, 168–124

	A	B	C	D
	Registered citizens	Soldiers overseas	A+B	C+10%
168	313,000	33,000	346,000	381,000
163	337,000	11,000	348,000	383,000
158	328,000	11,000	339,000	373,000
153	324,000	16,500	340,500	374,000
146	322,000	55,000	377,000	414,000
141	327,000	27,500	354,500	390,000
135	318,000	27,500	345,500	380,000
130	319,000	27,500	346,500	381,000
124	395,000	38,500	433,500	476,000
	or 295,000	38,500	333,500	366,000

Note. But for 168 see p. 74.

In considering the returns we may start with those from 168 to 124. They should not be accepted as they stand:[2] soldiers overseas were probably

[1] *ESAR* i. 114 (see also p. 84 below and Livy xxxi. 49. 5, xxxii. 1. 6), but Pyrgi should probably be dated before 218 (Afzelius II, 117) and Castra Hannibalis need not be added (U. Kahrstedt, *Historia* viii. 194, on Livy xxxiii. 7. 3). 300 families went to 5 maritime colonies, as many perhaps to the other 7: total 3,600; of these 2 were deserted in 186, only 7 years after their foundation, but Sipontum seems to have been resettled, cf. p. 368 n. 7. Of the agrarian colonies 3, and probably the fourth, all founded 183–177, had 2,000 settlers apiece: total 8,000. The number of viritane settlers in 173 cannot be estimated, but that in 200 and 199 should have been considerable; De Sanctis estimates Scipio's army at Zama as not less than 26,000 (iii. 2. 577 ff. but cf. Appendix 22 for conflicting ancient reports), of whom only 1500 were allegedly lost (Pol. xv. 14), while in 199 lands were also voted to all long-service soldiers from Sardinia and Africa, perhaps 20,000 more men (Livy xxxii. 1). If the decisions were acted on, 40,000 veterans could well have been given allotments. For some colonization after 168 see G. Tibiletti, *Athen.* 1950, 234 ff.; H. H. Scullard, *JRS*, 1960, 62; it cannot have been on a large scale.

[2] Livy vi. 31. 2 ('censores facti ne rem agerent bello impediti sunt') assumes that when virtually all citizens were serving no census was possible.

omitted, and to the totals reached by adding their estimated numbers, 5,500 per legion (cf. Chapter XXIII, Section iii), perhaps a rather high allowance, we should add at least 10 per cent to cover other citizens who failed to register. Apart from the spectacular jump in 124, to be considered later, these figures are fairly consistent. The transmitted returns reach a peak in 163 and then manifest a decline, checked at times. The revised estimates reach a peak in 146, which is probably too high; one may suspect that some of the legionaries overseas were registered; a decline sets in afterwards. The decline is perhaps to be accounted for by a progressive failure of the censors to register all the citizens; indeed, if the new peak in 124 is authentic, their failure was considerable. The variations from one census to another are in any event not significant, as the censors in different years may have shown more or less efficiency. It would thus be wasted labour to try to account for the variations. Since figures are often corrupted, it is reassuring that these agree so well; they leave no doubt that in the middle of the century the censors normally counted about 320,000 citizens.

The earlier figures are not in such good order. Table VII shows the recorded returns from 203 to 168, and for comparison those of the later peak years, 163 and 124, along with revised figures, including men who may well have been omitted. For each year the percentage increase or decrease since 203 is given for both recorded and revised totals, together with the *annual* percentage increase or decrease since the last census that appears in the Table, again using both recorded and revised totals.

It is manifest that the totals, recorded and revised, for 193 are unacceptable. The recorded figure must be corrupt. Beloch proposed to amend it from 144,000 to 244,000 (assuming that a C had been left out by the copyist).[1] Taking other recorded totals, we then have an annual rate of increase since 203 of 1·4 per cent, and from 193 to 188 of 1·1 per cent. Now men first registered in 193, having reached the age of 18 (p. 16 n. 7), had been born between 221 and 211, and men first registered in 188 between 211 and 206; the cohorts of the first period might well have been more numerous than those of the second, as the birth-rate probably dropped in the Hannibalic war. However, it seems certain that the Campanians were registered in 188 but not in 193 (pp. 62 f.), and it is unreasonable to suppose that soldiers abroad were omitted in 188 and not in 193. The revised total for 193, if Beloch's emendation were accepted, would be 283,000 against 291,000 in 188, and this would mean that the number of registered citizens, other than Campanians, had actually decreased in the quinquennium. But since it was not marked, so far as we know, by any exceptional mortality, this would imply that the birth-rate had sunk very low in the last stage of the war. That is conceivable. But the possibility exists that the textual

[1] Beloch, *Bev.* 346 ff., discusses variant readings in the texts which transmit the census returns from 233 to 69.

corruption is deeper than Beloch supposed, and that the true figure is irrecoverable.

TABLE VII

ANALYSIS OF CORRECTED CENSUS RETURNS, 203–124

A—Census figures to nearest 1,000.
B—Persons likely to have been *omitted*.
C—A + B.
D—Percentage increase or decrease in col. A over return for 203 in col. A.
E—Percentage increase or decrease in col. C over return for 203 in col. C.
F—Percentage increase or decrease *per annum* in col. A over previous figure.
G—Percentage increase or decrease *per annum* in col. C over previous figure.

	A	B		C	D %	E %	F %	G %
203	214,000	26,000	Campanians	240,000				
193	144,000	28,000	Campanians	183,000	—32·7	—23·8	—3·3	—2·4
		11,000	soldiers					
188	258,000	33,000	soldiers	291,000	+20·6	+21·2	+15·8	+11·8
178	259,000	22,000	,,	281,000	+20·6	+17	negligible	
173	269,000	16,500	,,	285,500	+21	+18·9	negligible	
168	313,000	33,000	,,	346,000	+46·2	+44·2	+3·3	+4·2
163	337,000	11,000	,,	348,000	+57·5	+45	+1·5	negligible
124	393,000	38,500	,,	433,500	+84·6	+80·6	+0·4	+0·6
	or 405,000	38,500	,,	333,500	+37·8	+39	−0·3	negligible

For omission of Campanians see pp. 62 f.; of soldiers, pp. 68; 70 n. 2.
For legions overseas cf. p. 68 and see Toynbee ii. 652 (from Afzelius II).
For number of soldiers per legion see Appendix 25 and p. 423.
In 168 *soldiers were perhaps not omitted, cf. p. 74.*

We certainly cannot explain a diminution of the citizen body (excluding the Campanians) by the hypothesis that there had been a net loss through emigration to Latin colonies. Between 193 and 188, 16,300 settlers were sent out to Latin towns. Of these more than half might well have been Romans. But even if all were Romans, their emigration was probably balanced by Latin immigration into Roman territory. As a result of remonstrances 12,000 Latins registered as citizens by the censors of 188 were expelled in 187, and some probably escaped expulsion; there were more urgent complaints in 177, which need not have been solely attributable to the liberality of the censors of 183 and 178. In sum, it is probable that the citizen body grew slightly at the expense of the *nomen Latinum*.[1] One would also think that the rate of manumissions progressed *pro tanto* with the growth of the slave population, and that it should not have diminished in 193–188.

Of the next two figures at least one is certainly corrupt, since Livy says that the return for 173 was lower than that for 178, whereas it is given as higher.[2] Which, if either, is right? The figure for 178 shows virtually no

[1] Enfranchisements and restrictions on immigration, Livy xxiv. 42, 56; xxxix. 3; xli. 8 f.; xlii. 10. 3. See Brunt, *JRS* lv, 1965, 90 for continuance of *ius migrationis*; we cannot be sure that Latins did not lose citizens to Rome in the period after 168, for which Livy's detailed narrative is lost. Latin colonies, p. 84.

[2] xlii. 10. 1.

increase over 188. Could this be accounted for? (*a*) The men registered in 178 but not in 188 had been born between 206 and 196, and one would expect considerable fertility at least in the last 5 years of that decade. (*b*) There were severe pestilences in 187 and 182–180,[1] and presumably a high mortality from that cause. War casualties should have been relatively slight. (*c*) Some 6,000 colonists were sent to Latin Aquileia and Luca, of whom half or more might have been Romans. On the other hand, Latin complaints about immigration of their citizens to Rome were renewed, more urgently, in 177, indicating that the censors of 178 had registered many; there might have been a net gain from the Latins since 188 (p. 72 n. 1). Livy explains the lower figure in 173 by their exclusion (p. 72 n. 2). (*d*) Manumissions of slaves are not likely to have been fewer than in the earlier period. It would seem that only (*b*) is a factor making against increase between 188 and 178.

If the return for 178 is accepted, that for 173 must be set aside, as too high. But what if it be treated as correct? Once again, we have only a trivial increase over 188, after the lapse of 15 years. Now the men registered in 173 and not in 188 would have been born in 206–191, and it is extremely hard to comprehend why the birth-rate in 200–190 should not have recovered to an extent that would make an impact on the census figures. But the elimination of new Latin citizens by the measures taken in 177, coupled with the emigration of Romans to Latin colonies, should have resulted in a net loss of citizens to the *nomen Latinum*. And the mortality from epidemics in 187 and 182–180 and from a new outbreak in 175–174 would perhaps have had a very grave effect on population. The figure for 173 is thus defensible, though no more defensible than that for 178, if we consider it in isolation from that in 168. Whereas there had been no annual increase worth the mention in population between 188 and 178 or 173, as the case may be, we find that between 173 and 168 it increased at 3·3 per cent a year on the transmitted returns, or at 4·2 per cent if we assume that on all occasions soldiers overseas were omitted. If the figure for 173 be rejected, and that for 178 be accepted, then the rate of increase between 173 and 168 must be higher still, since we know from Livy that fewer citizens were registered in 173 than in 178. (Over the whole period 203–168 the annual increase is 1·3 per cent on recorded and on revised figures.)

It has been admitted that the pestilences of 187, 182–180, and 175–174 could explain why the registered citizen body did not increase in 178 or 173.

[1] Livy xxxviii. 44. 7; xl. 19. 3 and 6 (impossible to raise 8,000 allied troops in 181), 36. 13 f. (dates outbreak to 184; hard to raise 8 legions), 42. 6 ff.; xli. 5. 11 (demobilization of army struck by plague at Ariminum in 177), 21. 5 f.; in 174 the mortality affected slaves most of all, presumably because their living conditions were most wretched; the streets were piled with corpses; the levy was again difficult. These epidemics affected all Italy, not merely Rome. The stories of epidemics of poisoning in 184, 180, and perhaps 152 (xxxix. 38. 3, 41. 5; xl. 37. 4, 43. 2 f.; *Per.* xlviii) suggest plagues. [Cf. Dio lxvii. 11. 6.]

But they should equally have militated against an increase in 168, since that registration affected only those born up to 186. There is no ground for supposing that the censors in 168 were particularly liberal towards Latins or that manumissions had proceeded at an extraordinary rate in the previous quinquennium; no doubt they were somewhat increasing. Men registered in 168 but not in 173 would have been born in 191–186. No reason can be given why the birth-rate should have been markedly higher in that quinquennium than in the preceding decade. It is true that the number of potential fathers had risen by about 20 per cent on both uncorrected and revised figures between 203 and 188, and that most of this increase *may* lie between 193 and 188 (*supra*). The absolute number of births may thus have risen in the quinquennium 190–185; against this we have to reckon with a higher infant mortality due to the epidemic of 187, and perhaps an adverse effect of that epidemic on conceptions. Moreover, if the number of births rose sharply in this quinquennium, it would be odd that the rise did not continue longer; yet after 168 the returns in successive censuses show no significant increases (*supra*). It is hard to resist the impression that the census of 168 was simply more efficient than any taken since 203. In that year the censors had made special efforts to ascertain the true number of Roman citizens, and it is for that reason that their return can fairly be taken as a base for examining the census figures of the second century. The censors of 168, who registered soldiers on leave from Macedon (p. 37), may have followed their example in registering all soldiers; at any rate, they were uncommonly energetic in their office, and it is credible that they made a return which was more nearly accurate than any since 204.

It seems vain to pursue speculations on the returns between 203 and 168. The return of 168 is proved by its consistency with those that follow to have been more or less correctly transcribed, and we may accept it as fairly reliable. (Even for 203 and 168 I would add 10 per cent, for reasons given on pp. 33 f.) A generation after the war the size of the citizen body had at last surpassed its level in 218. The rate of annual increase since 203 had been just over 1 per cent, whether we take the uncorrected or the revised figures for calculation. But the natural increase must have been much less, since an unknown but probably significant proportion of citizens were freedmen, newly manumitted. Between 168 and 130 there is, over the whole period, no increase at all; then in 124 there is a sudden jump, which seems to reveal an annual increase since 168 of the order of 0·4 or 0·6 per cent.[1]

The decline in the number of citizens registered from 163 to 135 is nearly 6 per cent. On the revised figures in Table VI, if the peak in 146 is discounted, on the assumption that some legionaries overseas were enumerated, numbers were virtually stationary; if it is not discounted, the decline

[1] Obsequens 13. 22 records pestilences and famines in 165 and 142; no doubt undernourishment made the victims more susceptible to epidemics.

from 146 in only 11 years is 8 per cent. One might suppose that contemporaries would have known if soldiers overseas were omitted, but that they would not have been conscious of any increased tendency of citizens not to register, and would therefore not have realized until 124, if the transmitted figure for that year is correct, that the decline in registrations did not mean that there had been a decline in numbers. Even if the transmitted figure for 124 is accepted, and taken to be fairly accurate (as it must have been, if authentic), it will be observed that the rate of growth had slowed down since 168.

Contemporaries would also have known what we do not, the number of *assidui* among the registered citizens, and they would have had at least some impression how many citizens were marrying and rearing families. Q. Metellus, censor in 131/0, urged all citizens to take wives 'liberorum creandorum causa'.[1] 'If we could live without wives', he said, 'we should be free of all that trouble, but since nature prescribes that we cannot live with them without some inconvenience, nor without them at all, we ought to pay regard to the perpetual safety (of the state) rather than to the pleasure of the moment.' Obviously, if celibacy was rising, as he implied, there was a prospect of a much sharper decline in numbers. As mortality must always have been high, a quite small decrease in nuptiality and fertility would have had a marked demographic effect.

The property qualification for military service had been reduced from its old level, probably in 214, and a further reduction was to be made, perhaps not long before 129, from 4,000 *asses* to 1,500 (pp. 403 f.). This change is an indication that the number of *assidui* on the higher qualification was falling. That would also help to explain the resistance to conscription in the years before Tiberius Gracchus' tribunate. The number of legions Rome had to put in the field in the middle of the second century was seldom large. If we disregard legions in Cisalpina, where the soldiers probably did not serve for more than the summer months and had little fighting to do, we find that only 2 legions in Spain and (after 146) 1 in Macedon were required as garrisons; in 153–150 and again after 145, 3 or 4 legions were engaged in long, arduous, and unremunerative service in Spain, but the total number abroad did not often exceed 6 (Table XIII, pp. 432–3). Yet it was hard to raise the men, perhaps in part because the number of *assidui* was lower than it had been. The explanation of this in turn must be the expropriation of peasant farmers, who fell into the proletarian class. This was the problem Tiberius Gracchus sought to solve. It did not occur to him to propose the recruitment of the legions from proletarians: his aim was to revive the peasantry.

[1] Gell. i. 6, cf. *Per.* Livy lix; Suet. *Aug.* 89 (p. 559). See also Lucilius 678–86 M. It is perhaps significant that in 168 special voting privileges rewarded freedmen with one son over five (Livy xlv. 15. 1).

Appian makes him hold forth about the Italian race: none was more warlike, yet it was being gradually ruined, reduced to poverty and depopulation, without hope of remedy. In his own analysis of the conditions which Gracchus was impelled to reform Appian says that as a result of the growth of large estates worked by slaves the Italians suffered from a paucity of numbers and want of manpower (*δυσανδρία*), as they were worn down by poverty, taxes (cf. p. 398), and expeditions. He states that Gracchus' supporters complained that they were unable to raise children, and that Gracchus pleaded with the rich to accept his agrarian bill, in order that land might be given to men who would raise children. Gracchus' aim, in fact, was to increase not riches, but manpower (*οὐκ ἐς εὐπορίαν, ἀλλ' ἐς εὐανδρίαν*).[1] Similarly, Plutarch says that the expropriated peasants failed to bring up families and attributes to Gracchus a saying, which may come from an authentic speech, that the men who fight and die for Italy are homeless vagrants along with their wives and children.[2] This was rhetoric, apparently contradictory of other evidence. Homeless vagrants were necessarily not *assidui* and did not fight for Italy. What Gracchus intended, if he uttered such words, was doubtless that men who had fought for their country had lost their homes; once homeless, they were in no condition to raise more children. Similarly, Appian's reference to taxes and expeditions means only that peasants had been ruined by them; when impoverished, they were of course exempt from these burdens. (*Tributum* had not been levied since 167, but evidently in Appian's view it had previously contributed to the process of pauperization.[3])

In modern times poverty as such has not always or perhaps generally resulted in a decline in the birth-rate. Nor is such a decline necessarily implied in all the statements cited. The poor, we are told, could not *raise* children. In other words they were exposed, a practice not forbidden (Chapter XI, section (vi)), or tended to die from lack of nutriment (p. 74 n. 1). However, Metellus' concern with the growth of celibacy suggests that

[1] App. *BC* i. 7. 30, 9. 35, 10. 40, 11. 43 and 46; his use of *συμμάχους* in 7. 28 and 8. 32 and of *σύγγονοι* in 9. 35 demonstrates that as in 19. 78 and 21. 86 he has the Italian allies in mind, and I am far from convinced that Gracchus did not intend to include them among the beneficiaries of his law, though the land commissioners may well have resiled from this intention, when debarred from redistributing public lands occupied by allied magnates, cf. p. 88. But Gelzer, *Kl. Schr.* iii. 289, shows that Appian elsewhere means 'Romani' by 'Italians', and it is possible that he misunderstood his source. In any event Roman beneficiaries would have been dispossessed Roman peasants, cf. *AL.* 72.

[2] *Ti. Gr.* 8. 3, 9. 5.

[3] References to the burden of *tributum* in the fifth and fourth centuries are probably fictions inspired by the experience of the third and second, see Appendix 21. E. Fraenkel, *Elementi Plautini in Plauto* 130 f. takes *Aul.* 525 ff.; *Epid.* 227 to refer to Roman conditions; they allude to the taxpayers' reluctance to pay 'tributus', as a result of which the soldiers could go short of food, not to hardships for the taxpayers. I know of no confirmatory evidence for Rome; Greek soldiers and rowers often went short in default of money to pay them and Fraenkel's view might be questioned.

marriages had become more infrequent, and that was bound to affect the level of births. Indeed, he may have been thinking not so much of homeless vagrants, who could not support wives, as of small (and other) proprietors who postponed marriage, in order to limit their families and obviate the need to divide their property among several children on their death (Chapter XI).

The census returns obviously do not seem to justify the view that Roman territory was suffering from depopulation. The number of registered citizens at the last census before Gracchus' tribunate was almost certainly no less than that in the unrecorded return made on the eve of the Hannibalic war. Probably, however, it comprised a much larger proportion not only of *proletarii* but of freedmen, and it must have been known to contemporaries that their number was growing. They were not of the Italian race and not available for the legions. With celibacy and childlessness rising the future was still darker than the present. But Appian's terms provoke another reflection: δυσανδρία and εὐανδρία do not unambiguously denote shortage or plenty of men, but rather shortage or plenty of men who can do the state some service. The poor might be numerous and fertile, yet unsuited by physique as well as by lack of property for campaigns.[1] Probably then the totals returned by the censors conceal a marked decline in *assidui*. Even in 218 they had only amounted to half the citizen body, if my previous argument is sound (pp. 64 ff.). Probably in 214 the proportion had been raised by simply reducing the property qualification. But prolonged absence on campaigns both in the Hannibalic and in later wars, especially in Spain, must have ruined small farmers. The viritane settlements and colonial foundations of the early second century may have done little more than temporarily check a decline in the number of *assidui*. The poorest, who belonged to the class only because the property qualification had been lowered, were the most vulnerable to economic distress precisely because they had the smallest resources. We can well believe that the decline was alarming by Gracchus' time. Suppose by way of illustration that there were now no more than 75,000, it is easy to see that it was a grievous burden even when only 6 legions, some 30,000 men, were needed. But if all citizens registered were *assidui*, then Rome had as many potential legionaries as in 218, and Gracchus' anxieties become unintelligible.

In fact, if we accept the returns transmitted for 124 and 114 (or either of them) as correct, there had been no absolute fall in the size of the citizen body, but a very high proportion of citizens, perhaps mainly *proletarii*, had been omitted in earlier returns. It can be seen from what has now been said that the apprehensions felt by Gracchus and Metellus do not prove that these figures must be wrong; they might have been unconscious that the

[1] On εὐανδρία see p. 189 n. 1. Dion. Hal. ix. 51. 6 comments on the poor physique of such children as the poor brought up.

censors (Metellus himself included) had made very inaccurate returns, and they were worried not so much by the apparent but small decline in total numbers as by the marked diminution of the classes on whom Rome depended for her armies. However, both figures have been challenged by Beloch[1] and Fraccaro.[2] Both thought that the decline in numbers visible since 163 simply continued. The first figure they amended by omission of a C from 394,000 to 294,000, and the second they regarded as a mere repetition of the first. The manuscripts of Livy's *Periochae* give in the first case $\overline{\text{CCCXCIIII}}$ DCCXXXVI (the Gronovian codex simply CCCXC) and in the second $\overline{\text{CCCXCIIII}}$ CCCXXXVI. The almost exact coincidence is clearly suspicious, but cannot be regarded as impossible, and it is not easy to say why a copyist should have transcribed, more or less, a figure from an earlier page.

As shown earlier, figures for census returns are often corrupt, yet they cannot be demonstrated to be corrupt except by proving that they are inexplicable. If this proof is impossible, as I hope to show, confident rejection of the manuscript figures will become inadmissible, though suspicion may persist.

Some explanations of the rise in 124 must be set aside. Carcopino supposed that between 130 and 124 there were especially massive manumissions and that enrolment of Italians occurred on a large scale in 124. There is no warrant in testimony or probability for either view (see note 2). Herzog, holding that only *assidui* were registered, supposed that the Gracchan law turned 75,000 proletarians into *assidui*. It is not, I think, any objection to this that the Gracchan allotments were not private property; it was surely Gracchus' aim to provide a new source of recruits for the legions, and his law could have enacted that the heritable and inalienable portions of public land which the settlers received were to count as their own for the purpose of census and levy. But Herzog's explanation rests on a faulty interpretation of the census returns. On the same ground we must reject Gabba's suggestion that the reduction in the property qualification for military service, which *may* have occurred between 130 and 124 (p. 404), accounts for the increase. We have then no alternative, if the figures are to be justified, but to posit a greater efficiency on the part of the censors of 124. We have no reason to think that they were men of greater natural diligence than their predecessors: the rise would have to be connected with the Gracchan distributions.

As shown already, the annual increase in the citizen body averaged only about 1 per cent between 203 and 168 and less than half as much between 168 and 124, accepting the return for the latter year. Since the number of

[1] *Bev.* 351.

[2] *Opuscula* ii. 87 ff., refuting J. Carcopino, *Bull. de l'Assoc. Budé* xxii, 1929, 14; *Hist. Rom.* ii[2]. 234. Toynbee 471 agrees.

manumissions probably rose progressively throughout the century, the rate of natural increase was much less than 0·4 or 0·3 per cent in 168 to 124, and if the higher rate of 1 per cent for total increase persisted for some years after 168, still by 124 or earlier an actual decrease in the number of citizens of the old stock may have begun. It must be assumed, however, if the figure for 124 is to be upheld, that the censors after 168 progressively failed to register all citizens. I believe that the margin of deficiency would never have been less than 10 per cent apart from legionaries overseas, and that even in 168 and 124 (accepting the transmitted figure) the true numbers were therefore 381,000 and 476,000 (column D in Table VI). In 135 and 130 they would not be much below the latter figure, and if they stood at only 420,000, the error would be as much as 30 per cent. For reasons given on pp. 33 ff. I think it plausible that the censors were less successful in securing full returns at this time, and the margin of error suggested cannot be excluded. It would be idle speculation to smooth out Column D, to show a progressive deficiency. Some censors may have taken more pains than others, and as in other pre-industrial societies, there may have been sharp variations in the birth- and death-rates, which we have not the information to surmise; manumissions may also not have occurred at a uniform rate.

The beneficiaries of the Gracchan law were the rural poor, the very class which had probably been most apt to default at the census; who would search out 'homeless vagrants'? But once they received allotments, their names would be on record and could be communicated to the censors. And even peasants who had not yet received land might be readier to establish their status by registration. It is in this way, not Herzog's, that we can connect the rise in numbers registered in 124 with the Gracchan distributions.

It is an obvious objection to this hypothesis that if it be true the work of the Gracchan commissioners should have been reflected in the census of 131/0. Of course, the figure transmitted for that year is no more sacrosanct than any other, and might be suspected. However, another answer is possible.[1] In the 190s and in 183–181 it had taken triumvirs three years to settle 3,000–4,000 families or fewer in colonies at Vibo, Aquileia, and elsewhere.[2] Some land available for distribution under Caesar's law of 59 remained to be allotted in 51.[3] The task of the Gracchan triumvirs was more complex than that of colonial or Caesarian commissioners. They had to delimit public from private land, often a matter which involved litigation,[4]

[1] The following hypothesis was anticipated by D. C. Earl, *Tiberius Gracchus*, *Collection Latomus* lxvi, 1963, 37, but not justified in detail; he also thinks that the census returns excluded *proletarii*.

[2] Livy xxxiv. 53. 2 with xxxv. 40. 5 f.; xxxii. 29. 4 with xxxiv. 45. 1; xxxix. 55. 5 with xl. 34. 2.

[3] Cic. *Fam.* viii. 10. 4.

[4] App. *BC* i. 10. 39; 18. 74–7 with Gabba's notes.

and at times to effect exchanges of public land for private.[1] To judge from the *cippi*, the land was then measured by centuriation. It seems from Appian's account that this long and tedious business hardly started before the death of Appius Claudius in *c.* 130. Appian is not quite right,[2] since we have *cippi* antecedent to the death of Publius Crassus in 130,[3] and only one that is later.[4] But the *cippi* attest the completion of the process not of settlement but of adjudication and measurement. It may well be that little progress was made even in this prior task in 133–132, the period of sharp reaction against Gracchus and his partisans. By 129 the triumvirs had probably finished this task, so far as it related to public land held by Romans, and embarked on the delicate attempt to solve the problem of such land in allied possession. It is no doubt true that they could have begun registering and settling claimants for allotments while still engaged in adjudicating and measuring, but we do not know that they followed this course. They may have preferred not to allot any land until they knew how much in total was to be available for distribution. Assignations may thus hardly have begun at the time when the censors of 131/0 were registering the citizens, and the commissioners may well have been most active in settling the poor on the land after they had been denied the right to resume the lands held by allies (129 B.C.).[5] This interpretation of their procedure is of course conjectural. But it makes sense of the figures for the censuses of 131/0 and 125/4.

There are thus two rival explanations of the transmitted figures for the census returns of 124 and 114. The first assumes two successive errors by copyists and rests on conjectural emendation. The second presupposes that there had been a progressive increase in the proportion of *incensi*, but that the number of *incensi* was reduced in 124 by the belated effects of the Gracchan agrarian law; it is no less conjectural.

It is a merit of the second explanation that it accords with the intrinsic probability that previous returns in the second century should have been less and less complete. But Beloch's view could be modified to take account of this probability. If we accept his emendation of the figure for 124, we are not at all bound to think that it is a realistic total. We must almost certainly add to it a number representing soldiers overseas, and some allowance for other *incensi*. Even if the proportion of *incensi* is taken to be no more than 10 per cent, the true total is then of the order of 355,000. But if it be right to hold that no census was ever defective by less than that percentage, it is reasonable to suppose that the percentage would have become higher in the course of the second century. When we consider too that manumissions were surely frequent, it is hard to believe that the number of adult

[1] *Lex agr.* 21–3; 27, cf. App. i. 18. 75, p. 299.
[2] Gabba on App. i. 18. 73.
[3] Degrassi, *ILLR* 467–72, 474.
[4] Ibid. 473. On Carcopino's view (*Autour des Gracques*, 1928, 125 ff.) the 7 earlier *cippi* are of 131.
[5] App. *BC* i. 19; continued activity after 129, Dio fr. 84. 2.

male citizens was actually declining, as Table VI would indicate on the assumptions that Beloch's emendation is correct, or that the proportion of *incensi* was not increasing. The decline from 146, if the figure in Column D be given credence, would also be astonishingly abrupt. In the first century conditions were probably less favourable demographically than those in the second, but even on Beloch's view of the censuses of 69 and of the time of Augustus, there was certainly no such steep decline. Thus we might accept Beloch's emendation of the figure for 124 and still suppose that it was defective by nearly 30 per cent after adding 28,000 soldiers, and so obtain a total of over 400,000 adult male citizens. It would be reasonable in that case to guess that the total had been of that order for some decades and that the number of citizens would now have been more or less stationary, but that it was kept up by an increase in manumissions, compensating for a real decline in the old Roman stock.

We could then also conjecture that there was no great change in the true number of citizens before 90. It is true that the Gracchan allotments might have made it easier for many former proletarians to raise families. In so far as this development occurred, however, it would not have been manifest in the return of 114, since few, if any, of the settlers could have had sons aged 18 by that date. The transmitted figure for 114 must then, on this view, either be amended in the same way as that for 124, or if the coincidence be thought incredible, altogether rejected as a mere duplication of it. Moreover the Gracchan scheme, if Appian is to be believed, had no lasting effect. Not long after 121 the restriction on the alienability of the allotments was removed, and in 118 further distributions of land ceased. The former measure permitted the rich to buy up the allotments or to foreclose mortgages, when the settlers fell into difficulties. Appian expressly says that the Gracchan scheme was frustrated, and that there was a further decline in the number of citizens and soldiers.[1] There is no evidence to refute this assertion. Even the scale on which the scheme was carried out is not known. Once the transmitted figure for the census return of 124 is impugned, we have no means of determining the number of beneficiaries. Moreover, granted that the vehemence of the opposition it aroused shows that the amount of land affected was large, and that some of the settlers were able to make good, or at least retained their holdings for a generation or more, and were able to raise families in that period, the same factors (conscription above all) that had been ruining the peasantry must still have been operative, and the success of some Gracchan colonists may have been matched or outbalanced by the failure of other small farmers, who had still been holding out in 133. There is certainly no ground for asserting that the Gracchan law must have resulted in such increased fertility as to produce a net accretion to the citizen body. Later agrarian proposals in the pre-Sullan

[1] *BC* i. 27.

period[1] show that the problem of rural poverty remained unsolved, and none of these proposals bore fruit.

Marius' action in recruiting *proletarii* for the legions in 107 is relevant. Marius was not a man of original views. He could cite precedents for his action. In emergencies *proletarii* had been employed before (p. 402). More important, his innovation was only the logical extension of the reductions the senate had already made in the census qualification for the legions; many of the soldiers were already very poor men (p. 405). However, in 107 only 8 legions were probably in the field, some 40,000 men (p. 433), and Marius had merely to raise a *supplementum*, perhaps of 5,000 (p. 430). We have indeed to reckon with the cumulative effect of the disasters in the north of 113, 109/8, 107, and 105;[2] though even at the last, Arausio, citizen losses need be put no higher than 20,000, and we might estimate total casualties at only 35,000, that number might be a very high proportion of all *assidui*. But that would imply that the Gracchan distributions had not permanently added a very large number to this class; Marius was faced with an 'inopia bonorum' (p. 407).

It has never been doubted that Marius set a precedent in 107 which he himself in 104 and other generals after him were to follow. *Proletarii* were no longer excluded from the legions. It might then have now seemed more important to the censors to register as many of the *proletarii* as possible, especially as it is an error to think that the legions were normally composed of volunteers (pp. 407 ff.), and the proportion of *incensi* might well have fallen. This hypothesis cannot be tested by any census returns between 107 and 90, for none have been transmitted. In the analysis offered below of the return of 69, however, I assume that the proportion of old citizens who failed to register again dropped to 10 per cent (pp. 33 ff.) and suggest that the total number was 412,000. This is necessarily conjectural, and I shall not anticipate here the considerations that lead me to put it forward; suffice it to say that a *much* higher figure does not seem to me to fit the data we have on Italian manpower in the Social war, and that it fits the hypothesis that the size of the citizen body prior to the enfranchisement of Italy had been stabilized at about 400,000, or not much more; probably the total in 90, if it were known, would be rather higher.

Acceptance of the manuscript figures for 124 and 114, by contrast, commits us to the view that the population was still growing in the lifetime of Tiberius Gracchus, but that it was stabilized at a higher level by 114 (unless the proportion of *incensi* had again risen). If some 395,000 citizens registered in each year, the real total cannot have been much less than 450,000. However, if growth had already ceased between 124 and 114, an actual decline

[1] Brunt, *AL* 69. Saturninus proposed settlement outside Italy, but very little came of his measures, cf. Appendix 12.

[2] *MRR* i. 535, 548, 550, 555 cites evidence, cf. p. 685.

may have followed and on this basis the higher totals for the late second century could be reconciled with a figure of about 400,000 for the old Romans in 69. Such a decline could hardly be explained by mortality in war before 90; if great losses were sustained in the north from 113 to 105, the 90s were singularly peaceful. Nor are any other grave calamities recorded in this period.[1] But the war losses between 90 and 82 were very severe, if not calculable, and would still be reflected in a census of adult males taken in 69.

It therefore seems to me impossible to choose between the two rival hypotheses, and of no great importance to do so. Once it is recognized that on Beloch's view it ought to be admitted that a high proportion of citizens were *incensi*, the numerical difference between them is not very great. Either can be reconciled with the hypothesis, which seems to me probable, that the old citizens numbered about 400,000 in 69. It would be another matter if we were to accept Jones's inference from the putative increase in 124 that the number of citizens even then unregistered was indefinitely large. It then becomes impossible, as he urges, to attach any value to any of the censuses in the second century. Yet they stand in an intelligible relation to the enumerations just before the Hannibalic war, and the numbers then recorded are surely confirmed by what we know of the strain on Roman manpower in 216 and the following years. It also seems to me probable that similar, though much less precise, data on the Social war tend to confirm that the size of the Roman population was of the order suggested above. It can be shown on this basis that the census of 69 was not grossly defective; and that in turn can be reconciled with the Augustan figures. To reject all the returns is a counsel of despair, which it needs stronger arguments to justify.[2]

[1] Obsequens 40 records a great flood of the Po in 108 drowning many thousands.

[2] The recent attempt of T. P. Wiseman, *JRS* lix, 1969, 59 ff. to rehabilitate Frank's view of the Augustan census figures is open to the same objections as those advanced against Jones. He has not examined the returns before 86, but his suggestion that censors would not have bothered to register most citizens thoroughly, once *tributum* was discontinued in 167 and *proletarii* had become available for the legions after Marius, would not explain why they were so lax in most or all of the second century. His article wholly fails to convince me.

VI

THE ITALIAN ALLIES FROM 225 TO 90 B.C.

IN 225, if our previous estimates were correct, the Latins and other allies numbered about 640,000 adult males (including Greeks and Bruttians) against 300,000 Romans. We have no figures to illustrate the growth or decline of their population before the census of 70/69. We can, however, make some attempt to see whether it is likely to have grown and, if so, to what extent.

Let us consider the Latins. In 225 they numbered 134,000 according to our estimates. In 218 new Latin colonies were founded at Cremona and Placentia with 12,000 settlers. If half of those were Romans or other *socii*,[1] the net accretion to Latin numbers was 6,000. In addition we might suppose, as we did with the Romans, that by 218 population had grown by 10 per cent. This would mean that the Latins now totalled over 150,000.

During the Hannibalic war the Latins must have suffered at least as severely as the Romans. The plea of the twelve colonies defaulting in 209 (Ardea, Nepete, Sutrium, Alba, Carseoli, Sora, Suessa, Circeii, Setia, Cales, Narnia, Interamna) that their manpower and money were exhausted,[2] though received at Rome with incredulity, was borne out in two cases after the war; Narnia and Cales required new settlers. Among the loyal cities Venusia also needed reinforcement in 200, and Cosa in 197. One would expect that Luceria, Brundisium, and Beneventum, whose territory like that of Venusia lay in the theatre of war, had also suffered severely. In 190 6,000 more settlers had to be sent to Cremona and Placentia to make good a wastage of perhaps 50 per cent due to the ravages of war and disease.[3] The war had surely brought about a decline in Latin population at least proportionate to that of 17 per cent among Roman citizens (cf. p. 63), perhaps as much as 20 per cent, and probably greater. By the end of the war the Latins would then have numbered about 120,000.

Between 193 and 180 over 25,000 settlers were sent to old or new Latin colonies.[4] Half of these may have been Romans, and some others were

[1] For other Italians see Livy xxxiii. 24. 8 f. (Cosa), cf. iii. 1. 7 (probably anachronistic).

[2] Livy xxvii. 9. 7 ff.

[3] xxxi. 49. 6; xxxii. 2. 7; xxiii. 24. 8 f.; xxxvii. 46. 9 ff. Cf. pp. 190 f. on Cremona and Placentia. At Placentia the colonists were reduced by two thirds in 200, xxxi. 10, 3. Cales, *CIL* i². 200, xxxii.

[4] viz. 1,000 at Cosa, 3,300 at Thurii, 4,000 at Vibo, 6,000 at Cremona and Placentia, 3,000 at Bononia, 4,500 + at Aquileia, probably 3,000 at Luca, and perhaps as many at Narnia and Venusia as at Cosa. Cf. *ESAR* i. 114 ff.; Livy xliii. 17. 1. Italians loyal in the Hannibalic war were eligible for Cosa (Livy xxxiii. 24. 8); Livy iii. 1. 7, though unhistorical, may indicate

perhaps drawn from other Italian allies; in so far as the colonists came from existing Latin cities, there was obviously no accretion to total Latin numbers. Perhaps we might reckon that on balance some 15,000 men were made Latins. To offset this, numerous Latins migrated to Rome or Roman territory and exchanged Latin for Roman status. This movement was checked in 177 and 173 (pp. 72 f.); but it is probable that it persisted thereafter. The right of obtaining Roman citizenship by migration to Roman territory had been restricted, but not abolished. Moreover in 95 the consuls passed the Lex Licinia Mucia to deprive Italians of the citizenship they had *illegally* usurped. The bitterness which this measure evoked in Italy (it is said to have been the chief cause of the Social war) indicates that it was then regarded as a novelty. It seems likely then that on occasions between 173 and 95 the Romans allowed Italians in general, and no doubt Latins in particular, to infiltrate into the citizen body.[1] We cannot estimate the effect that this had on Latin numbers.

It can readily be supposed that as Cisalpine Gaul was pacified the new Latin colonies in the north, Cremona, Placentia, Bononia, Aquileia, and Luca, prospered and became populous. They were not, however, large at the outset; the settlers at Cremona and Placentia numbered only 6,000, and at Bononia and Aquileia 3,000 or not many more, and initially they faced great perils and hardships.[2] Other Latin cities are said to have been flourishing in the first century, for instance, Venusia, Beneventum, Ariminum, and Vibo Valentia;[3] in the pre-Sullan period we must add Praeneste. Brundisium was a busy port. Fregellae was clearly important till its revolt in 125.[4] But on the coast of Latium in Strabo's day Ardea and Circeii were both decayed (p. 348). Both had been among the twelve defaulting colonies. Most of the others were in south Etruria and Latium. Among these Cosa at least seems to have completely decayed by the first century; great estates predominated, and the town itself seems to have been virtually deserted.[5] It was probably from cities adjacent to Rome that Latins were most prone to migrate. The fact that they did so does not speak highly for their economic prospects at home. The small farmer in Latium was

that in general Italians could be enrolled in Latin colonies. [Luca: L. Keppie, *Colonisation and Veteran Settlement in Italy*, 1983, 174.]

[1] Brunt *JRS* lv, 1965, 92, 106. E. Badian, *Roman Imperialism in the Late Republic*, 1967, 53 n. 28, again insists that it was only the censors of 97 whose liberality to the allies permitted infiltration, against my suggestion that there was a 'gradual process'. I know of no evidence that the censors of 102/1 would have been particularly 'severe', e.g. in excluding Italians previously registered, or that they were themselves notably hostile to Italians, and I therefore adhere to my suggestion.

[2] See pp. 190 ff. Perhaps the Boii were ultimately given local rights at Bononia, cf. p. 192.

[3] App. *BC* lv. 3; but on Vibo see p. 361; Praeneste, p. 348; Brundisium, p. 367.

[4] Strabo v. 3. 10 cf. Livy xli. 8. 7 for Samnite and Paelignian immigration here in 177.

[5] Caes. *BC* i. 34; Tac. *Ann.* ii. 39. 2, cf. F. E. Brown, *Mem. Amer. Acad. Rome.* xx, 1951, 1 ff.

subject to the same adversities as his Roman neighbours. He too would often be forced to sell his property to pay his debts, and the reciprocal enjoyment of *commercium* between Romans and Latins meant that wealthy Romans could acquire land in Latin territory, convenient from its contiguity to the capital. Thus in Latin lands too *latifundia* would grow, and luxury villas, as at Tibur, Ardea, and Praeneste.[1]

Samnium, Lucania, Bruttium, and Apulia suffered from devastations in the Hannibalic war, as Roman territory outside Campania never did (Chapter XVI), and Rome confiscated extensive tracts after the war; Roman *latifundia*, often ranches, occupied extensive tracts of this land, though colonies and viritane assignations are also recorded. In any case, much was lost to the native inhabitants. Some may have remained on the land sequestered, but only as tenants or labourers. To this extent they were impoverished and less able to raise families (Chapter XVII). There is good evidence that parts of the south were depopulated in the late Republic (Chapter XX). The Samnites indeed may well have suffered less in the Hannibalic war than they were to suffer in the 80s, when they could still put formidable forces into the field, though the numbers alleged in our sources transcend credibility (p. 443). But few of Rome's southern allies are likely to have been prosperous; the cities of south Campania such as Pompeii, Nola, Nuceria would be notable exceptions.

In central Italy conditions were probably better. When Tiberius Gracchus passed through southern Etruria, he saw a land populated almost entirely by slaves. But probably he took the Via Aurelia, the natural route to Spain, and as far north as Cosa this ran through Ager Romanus, skirting the remaining territory of Tarquinii and Volci. Those cities had indeed lost so much of their land to Rome in the third century that they cannot have been flourishing. North of Cosa, itself decayed (p. 85 n. 5), Strabo found Populonia, though not its port, almost deserted, yet it had stood a siege in Sulla's time. He does not mention Vetulonia or Rusellae, nor Tarquinii and Volci, whereas he names the little Roman colonies on the coast, and several of the great Etruscan cities further in the interior. Vetulonia and Volci also had not appeared among the Etruscan cities which furnished supplies to Scipio in 205. Thus many Etruscan towns near the coast were probably decaying or had decayed (Chapter XX, section (ii)). However, in the interior, freed from the Gallic menace and Ligurian depredations, the Etruscans, and the Umbrians too, may have advanced in prosperity and population. We may also speculate on the fate of the Etruscan serfs. After 90 there were only free men (including freedmen) and slaves

[1] Roman magnates owned villas here before 90, Cic. *de orat.* ii. 224, 263; p. 347 n. 5. Latin colonies were founded on lands Rome had annexed, and when not all of this was distributed (e.g. p. 191 n. 6 for Bononia and Thurii), *ager publicus* remained, which Roman magnates could exploit; I suspect that this was common, cf. p. 56 n. 1 for Venusia. At Thurii Roman private estates are probably antecedent to 90, see Cic. *Tull.* 14.

in Etruria, no class of 'half-free', those whom Dionysius of Halicarnassus called *penestai*. Were they liberated in this period? And, if so, did they become for the first time eligible for military service, first in allied cohorts and later in the legions?[1]

In default of evidence it is conceivable that in Etruria and Umbria free population on the whole increased. So too in the Abruzzi, where *latifundia* will hardly have been found in the arable land. The peoples here, with the Samnites, offered the sternest resistance to Rome in 90–89, and in 49 Domitius Ahenobarbus could rapidly raise 20 cohorts, nominally 10,000 men, among the Marsi and Paeligni.[2] But the Abruzzi can never have been densely populated, and Paeligni as well as Samnites had migrated to Fregellae in 177 (p. 85 n. 4).

Almost everywhere agriculture was the basis of the economy; that needs no proof. But some Italians took advantage of new trading opportunities that the extension of Roman power opened. In the second century we find them prospering in business in the East. At Delos Hatzfeld counted 221 'Italians' (including many freedmen), who were resident there mainly before 88. No less than 155 different *gentilicia* are represented. Of these 54 can be classified as Roman or Latin. One group seems to come from Praeneste, the Cossinii from Tibur. Some of the others may belong to Latin colonies. Oscan names may be borne by Campanian half-citizens, and indeed by Romans of Sabine or Volscian descent, as well as by citizens of allied communities like Nola or Pompeii. Magna Graecia, Ancona, and Neapolis account for 22. The epigraphic evidence for Italian *negotiatores* elsewhere in the East is mainly later than 88; it attests some persons who certainly or probably originated among the former allies.[3] No doubt their home towns profited indirectly from their activity. Italians, will also have found business profitable in Sicily, Spain, and Africa.

The spoils of the provinces went, however, chiefly to Rome. This must have meant that Latins and other Italians, with the exception of a few towns of particular commercial importance, imported proportionately fewer slaves and manumitted fewer. No doubt in Latin towns, as at Rome,

[1] Plut. *Ti. Gr.* 8. 5; Strabo v. 2. 6–9; Livy xxviii. 45. For 'penestai' see Dion. Hal. ix. 5. 4. Diod. v. 40. 3 comments on the luxury of the Etruscans and their 'slaves'; he is apparently following Posidonius. See Heurgon, *Etrusques*, chs. III and V; H. H. Scullard, *The Etruscan Cities and Rome*, 1967, 236 ff.; Toynbee ii. 541 ff., and p. 55 *supra*.

[2] Caes. *BC* i. 15. 7.

[3] Wilson (*105 ff., 152 ff.*) analyses the evidence. A difficulty in determining the provenance of *negotiatores* which he does not expressly notice arises from the redistribution of Italians by the Sullan, triumviral, and Augustan settlements, and perhaps more generally from the mobility of propertied Italians, those who could afford to put up inscriptions (see p. 132). When it is said that a *gentilicium* is epigraphically attested in certain places, and inferred that a bearer of the name might probably have come from one of them, it is sometimes forgotten that Latin inscriptions are mainly imperial, and belong to a time when there had been a considerable mixture of the original population. Many Oscan names in an old Roman or Latin territory may thus be explained.

freedmen acquired citizenship; whether this was true among the Oscan peoples is not so certain; it will hardly hold for the cities of Magna Graecia (p. 207). But even if freedmen everywhere acquired local civic rights, they must have been relatively less numerous than in the Ager Romanus; and one important factor in the growth of Roman population did not operate to the same degree among the allies.

On the other hand, the Italians bore part of the burden of Rome's wars. Conscription and debt must have weighed on the small farmers among the allies as among the citizens. The local oligarchies would hardly have showed any more solicitude for their interests than the Roman senate for the Roman yeomanry. Probably their members also sought to add acre to acre, and to monopolize the public land, both that which belonged to their own communes and that part of the Roman *ager publicus* which had been placed at the disposal of their cities.[1] It is well known how the allies protested against the attempt of the land-commissioners to take in hand Roman public land which was in their cities' possession, and represented it as a breach of their rights and treaties.[2] But they could speak only through their governments, consisting of men who could have had a personal interest in continuing to exploit these public lands for their own account.

We cannot exclude the possibility that Tiberius Gracchus had intended Italians as well as poor citizens to benefit from his agrarian proposals, and that Appian was right in supposing that the allies had suffered from the same impoverishment as citizens. Gracchus' intentions were perhaps frustrated by the attitude of the allied governments (cf. p. 76 n. 1); it is clear in any event that those governments could have been defending the interests of such *domi nobiles* as Sextus Roscius of Ameria, who possessed thirteen estates in the Tiber valley and was worth 6,000,000 sesterces, or Aulus Cluentius of Larinum with his herds pastured on public lands as well as private possessions, a man allegedly ready to pay a legacy of 300,000 sesterces which was not legally due.[3]

The Italians, perhaps including inland peoples like the Samnites and not only a limited class of coastal *socii navales* (p. 50 n. 3), had probably always contributed more men to the fleets than the Romans. Polybius observed that in his day Rome could no longer have manned such large fleets as in the first Punic war; he promised to explain this, but unfortunately did not do so in any part of his work now extant.[4] His statement suggests

[1] Hyginus 116 L on municipal lands in the Principate shows that they were often leased 'per centurias', i.e. in parcels of 200 *iugera*, to holders of adjacent lands. There is also much imperial evidence for private persons appropriating common lands. These phenomena were surely also Republican.

[2] App. *BC* i. 19; Cic. *Rep.* iii. 41; Schol. Bob. 118 St.

[3] Cic. *Rosc. Am.* 6, 20; *Cluent.* 161 *f.*

[4] i. 64. On allies' naval service see Thiel I. 195 ff., 215 f., 276 f., 382 f.; II. 73 ff. However, Salmon 293 n. 1 suggests that the 'Samnite' rowers in 259 B.C. really came from coastal Campania, e.g. Nuceria. [Cf. Livy xxviii. 45. 19, but see p. 656 n. 1.]

that in his view Italian population had actually decreased. This opinion was too pessimistic; at least it is not borne out by analysis of the census of 69. But Polybius' statement is an indication that we should not assume that population was growing at all fast, or that the number of Italians returned in 69 was grossly defective.

Indeed all the considerations so far adduced would suggest that the increase of population among the allies did not keep pace with that among Roman citizens. Yet we hear that the allies had to contribute 2 soldiers for every Roman to Rome's armies. If this statement is accepted, it still cannot be inferred that they outnumbered Romans in the same proportion, since it is obviously possible that the Romans imposed on the allies a heavier proportionate burden than they would bear themselves. The truth of the statement is also open to doubt. A scrutiny of the detailed evidence seems to show that it is valid for the first decade of the second century, but not for the period from 190 to 168, when the ratio of allies to Romans on service declined. There is some reason to believe that it was raised again in the later second century, probably because of the diminution in the number of Roman *assidui*.[1] Even though in many allied cities great estates may have been growing at the expense of smaller, it may well be that on the whole the peasantry held up better than in the Ager Romanus, and that it therefore seemed fair to the Roman government that they should contribute a higher proportion to Rome's armies.

Appian states that in 88 the new citizens far outnumbered the old.[2] This cannot be true, for at that date only the Italians loyal in the Social war, principally the Latins, and perhaps most Etruscans, Umbrians, Greeks, and Bruttians, had been enfranchised. The true number of Latin, Etruscan, and Umbrian adult males in 225 has been estimated at 255,000 against 300,000 Romans; it will hardly be supposed that they had increased so much by 88 as to exceed the number of old citizens, even if we add Greeks and Bruttians, now perhaps no more than 30,000 strong (their land was miserably depopulated at this time). But a fair number of new citizens lived in Latium, closer to Rome than many of the old citizens, and could have exercised a decisive influence in the Roman assemblies, if Sulpicius' proposal to give them equal voting rights were to be accepted. Moreover, it could have been envisaged that the ex-rebels would also in time be enfranchised, and that Sulpicius' bill would be a precedent for their treatment. Appian's statement may reflect the arguments and exaggerations of Sulpicius' opponents, or rest on his antedating of the enfranchisement of the rebels (Chapter VII).

Velleius says that Cinna's forces in 87 were composed of a huge number of new citizens and contributed 300 cohorts or 30 legions, nominally 180,000 men.[3] At this time too only the loyal Italians had secured the citizenship, and Velleius' evidence on their numbers cannot be taken

[1] See Appendix 26. [2] *BC* i. 55. 243. [3] ii. 20. 4.

seriously. Cinna did not merely rely on the new citizens; he was able to win over the Roman army at Nola by the authority of a consul and an appeal to democratic principles;[1] and the same pleas, not to speak of *force majeure*, once he had this army under his command, will have won him recruits among old as well as new citizens.

It is only by analysis of the census-return of 69 that we can hope to determine the number of Italian allies on the eve of the Social war. The arguments in this chapter can only serve to remove any presumption that it was much greater than in 225. We shall find that it was not. The figures to be suggested in the next chapter are only propounded *exempli gratia* but they cannot be very far from the truth.

[1] App. *BC* i. 65, 298 f.

VII

THE CENSUSES OF 86/5 AND 70/69 B.C.

LATE in 90 the Lex Julia bestowed citizenship on the Latins and other allies who had remained loyal and perhaps on those who had taken up arms but had already returned voluntarily to their allegiance. By the end of 89 all the rebels had been crushed, except the Nolans, Samnites, and Lucanians who remained in arms, and Appian says that with these exceptions they too had received the citizenship. He is a little premature. The rebels who had surrendered had apparently become *deditícii*, and it was only in the struggle with Cinna in 87 that the senate gave the franchise to this class, in order to gain their support against Cinna. At the same time they offered it to the Samnites (and presumably to the Nolans and Lucanians), but the negotiations broke down because of excessive demands the rebels made on other points. Cinna and Marius were less scrupulous, and conceded all that the Samnites asked for. We might then assume that the enfranchisement of the Italian allies was completed after their victorious entry into Rome. But this assumption creates certain difficulties which must be considered later (p. 93).[1]

The senate had tried to reduce the value of the grants made in 90 by restricting the new citizens enfranchised to a few tribes where their votes would count for little. Appian writes as if they were actually registered in those tribes.[2] This is not easy to understand. The censors appointed in 89 failed altogether to enumerate the citizens,[3] and no further census was taken until 86/5. However, in 188 the people of Arpinum, Formiae, and Fundi had been assigned to a tribe by the law under which they were given the vote,[4] and we can suppose that the Lex Julia or subsequent laws designated the tribes in which all persons duly registered on the citizen rolls of the communities enfranchised were to vote at Rome; the abortive legislation of Sulpicius in 88 and of Cinna in 87 would simply have redistributed communities among the tribes. According to Cicero, 'census non ius civitatis confirmat ac tantum modo indicat eum qui sit census ita se iam tum gessisse pro cive.' Registration was prima-facie evidence of citizenship, but absence from the Roman register did not prove the lack of it. Cicero was

[1] I have given and discussed the evidence in *JRS* lv. 1965, 107–9. cf. 95 f. on which this paragraph is based.

[2] App. *BC* i. 49. 214; Vell. ii. 20, cf. Taylor, *VD* 102 f., and my criticism in *JRS* lv (last note).

[3] Cic. *Arch.* 11.

[4] Livy xxxviii. 36. 7 ff.

defending Archias, who had allegedly obtained the citizenship on the ground that he was 'adscriptus' as a citizen of Heraclea and domiciled in Italy. Even the prosecution seem to have conceded that if his name had been found on the Heraclean register (which had unfortunately been destroyed by fire), this would have been proof of his rights.[1] It appears certain that the assignation of a community to a particular tribe[2] meant that all its citizens thereby became voting members of that tribe. But I see no reason why we should not go a step further and suppose that Rome gave 'full faith and credit' to the local census records and that pending the completion of a Roman census all those duly registered as citizens of an enfranchised community were entitled to vote in the tribe to which that community was attached, and in the century appropriate to the property registered with their own magistrates. The same procedure could have been followed when the citizenship was granted to the *dediticii* and the Samnites.

When at last censors were appointed and took a census in 86/5, we should then expect to find that the number of citizens had enormously increased, for all the former allies should now have been entitled to enumeration. But the transmitted figure is only 463,000. Beloch amended it, by the palaeographically easy assumption that a *D* has been lost, to 963,000. It then stands in a credible relation to the figure of 910,000 in 70/69. In that census no one could have been registered who was born later than 86/5, and there was therefore no possibility that the heavy casualties of 83–81, and losses in the risings of Lepidus and Spartacus, in the Spanish fighting and in other external wars, would have been made good by a higher birth-rate after the time when Sulla restored peace in Italy; moreover in 70/69 there were many soldiers abroad, and of these some at least were not listed. The emendation is then not unplausible.[3]

It is not, however, necessarily correct. The epitomator of Livy records that as late as 84 the suffrage was granted to the new citizens.[4] This is mysterious. Cinna had been the great advocate of the equal rights of the new citizens enfranchised by the Lex Julia, and he had enjoyed their strong support. He had also made terms with the Samnites. The *deditícii* had at least not backed his enemies in any strength. As he could not fail to be

[1] *Arch.* 7–11, cf. pp. 41 f. [2] Cic. *Balb.* 21; Taylor, *VD*, ch. 8.

[3] Hieronym. Ol. 173. 3, amended by Beloch. *Bev.* 352. Presumably the legionaries under command of Sulla and of L. Flaccus, consul 86, some 35,000 men, perhaps those under L. Scipio (*MRR* ii. 58) in Illyricum and C. Flaccus, who triumphed from Gaul and Spain in 81, some 20,000 men, if they comprised 4 legions, were not counted. But 70,000 soldiers serving abroad were similarly omitted in 69 (*infra*).

[4] *Per.* Livy lxxxiv. J. Carcopino, *Mél. F. Mistroye*, 1940, 73 ff., an article I know only from Pieri 165 ff., has apparently suggested that in 86/5 only the inhabitants of Rome were enumerated. But (*a*) Hieronym. Ol. 173. 3 used the same formula as for the true census of 147/6 (Ol. 158. 3); (*b*) Cic. *Arch.* 11 clearly implies that in principle the censors of 86/5 performed their traditional task. The theory of E. Cavaignac, *Rev. de Phil.* 1936, 65 that they could not complete it because of Sulla's activities is chronologically unacceptable.

apprehensive of Sulla, he had an interest in carrying out his promises to the Italians, even if gratitude did not move him. It is therefore very surprising that any of the new citizens should so long have remained without the suffrage. The epitomator is a very unreliable authority, quite capable of distorting what Livy wrote, yet something must lie behind his statement.

The censors elected in 86 were L. Marcius Philippus and M. Perperna. As consul in 91, Philippus had been the chief adversary of Drusus; he was probably no friend to the claims of the allies. Nor was he a sincere partisan of Cinna; in due course he went over to Sulla. Perperna's role in the civil war is unknown, but he survived the Sullan proscription, living on until 49, and may well have taken Sulla's side.[1] Cinna's so-called domination was in fact far from complete, and it may well be that the censors deliberately failed to fulfil their task, in the hope that his power might be subverted by Italian discontent. It would be idle to conjecture which among the new citizens actually secured registration, if this view be right.

On this hypothesis the transmitted figure for 86/5 could be correct. It may be objected that on my view the censors simply incorporated in their lists the local returns made by the magistrates of self-governing municipalities, that all the towns enfranchised in and after 90 came within this category, and that their local magistrates would hardly have failed to make the returns required: how then could the census be incomplete? However, it may be supposed that the censors neglected to require local returns from most of the new citizen communities, or that they treated most that were made as invalid, e.g. on the pretext that they were not conformable to the Roman model.

I suggested above that the new citizens had not previously been deprived of rights simply by not being registered. But any provisional arrangement under which they could vote in the tribes to which their communities had been assigned and perhaps in the centuries appropriate to their property as registered in allied censuses could have been held to have come to an end with the census of 86/5. We could suppose that the epitomator abbreviated the terms of a *senatus consultum* promising a new census, to make their rights unambiguously effective.

Whether the figure transmitted for this census is corrupt or whether it represents a grossly incomplete enumeration, it cannot be used for determining the population of Italy.[2]

Sulla eventually confirmed the rights of the new citizens.[3] But he did not take a new census.[4] What then was their position? We know that he passed a law that purported to deprive whole communities such as Arretium and

[1] Philippus, *Per.* Livy lxxxvi; Perperna, Dio xli. 14. 5.
[2] Cf. *JRS* lv cited in p. 91 n. 1 for this hypothesis.
[3] *Per.* Livy lxxxvi; for earlier negotiations App. *BC* i. 77. 352; Cic. *Phil.* xii. 27.
[4] This is shown by the silence of Cic. *Arch.* 11.

Volaterrae of the citizenship. The validity of this law was not upheld by the courts.[1] *A fortiori* that of the other new citizens was undoubted. Carcopino cannot be right in thinking that if they were not registered they lacked all the rights of citizens.[2] But they were deprived in practice of the suffrage by not being registered.

It is clear that no estimate of the number of citizens can be based on the census of 86/5. What of that of 70/69? The *Periochae* of Livy gives 900,000 in round figures, Phlegon of Tralles, a freedman of Hadrian, 910,000, written out in Greek. Any corruption in numerals must be earlier than his time. Not even scholars who find the census gravely defective have suggested an emendation. In my view the return is consistent with the probabilities. It must, however, be raised to 980,000 by adding about 70,000 soldiers overseas, and a further margin of error, not less than 10 per cent and perhaps more, may be assumed.[3]

The censors cannot have registered men born since 86, and even if the years since 81 had witnessed a high birth-rate, this could not be reflected in their return, whereas the high mortality of the wars between 90 and 81 must have reduced the number of adult males. A census of all citizens and allies in 91 would then undoubtedly have produced a higher figure.

The claims on manpower between 90 and 81 may help us to control the census return of 69.[4] Appian says that both Romans and rebels put 100,000 men into the field in 90. With the help of many conjectures I have argued that some 170,000 men were under arms on the Roman side in the course of 90–89, not counting those who defended cities under siege; perhaps the total could be raised to 200,000. In the main the Romans depended on their own citizens and on the Latins; the Italians of the south and the Abruzzi were mostly in revolt, and some of the Etruscans and Umbrians rose against Rome late in 90; probably they made no significant contribution to the war effort on either side. Appian's 100,000 rebels are certainly the original rebels of central and southern Italy, and in all probability they raised more troops as the war proceeded. It would not be imprudent to put the total of

[1] Cic. *Caec.* 95 ff.; *Dom.* 79.

[2] *Rev. Int. des Droits de l'Ant.* iv. 253 ff. He thinks that P. Gavius of Compsa, whom Verres put to death, came of a Samnite community which, thanks to Sulla, lacked the citizenship till 70. But (*a*) Compsa was Hirpinian, not Samnite (for the distinction cf. Beloch, *RG* 472; App. *BC* i. 39. 175); (*b*) Cicero makes no secret of Gavius' origin and refers to 'Consanos *municipes* eius' (II *Verr.* 5. 164); he could not have simultaneously claimed for Gavius 'ius eximium nostrae civitatis' (ibid. 163) if Compsa had only got the citizenship in the very year of his pamphlet; (*c*) Verres' defence was not that Gavius, *qua* Consanus, was no citizen, but that he had become a 'hostis' by helping Spartacus (ibid. 161); his defence for his execution of other citizens was similar (*cf.* 151); (*d*) the censors could not confer the citizenship; Crassus' efforts in 65 on behalf of the Transpadanes only confirm this.

[3] Phlegon of Tralles (*F. Gr. H.* no. 257) 12. 6; *Per.* Livy xlviii, where one manuscript gives 950,000. Omission of legionaries, Cic. *Arch.* 11; number of legions, p. 449.

[4] Chapter XXIV.

men called up, including those killed and replaced in the ranks, at 300,000 in 90–89 or rather more. In 83–82 the number may well have reached 280,000, despite the heavy losses Italian manpower had already sustained.

By this time *proletarii* were normally eligible for legionary service, but it was unusual to enrol soldiers from the urban plebs at Rome, perhaps because of a low standard of physical fitness; moreover, the great majority were probably freedmen (Chapter XXI, section (iv)). Free-born city dwellers were, however, enlisted in 90/89 and perhaps in 83.[1] Freedmen were also called up for coastal defence in 90.[2] There had been no precedent for this except in the gravest manpower crisis of the Hannibalic war, and Appian expressly says that it was due to a lack of men. Manpower was then as severely strained as in 216, and unless I have much underestimated the forces mobilized, we have here clear proof that the censuses of the second century were not wildly defective.

I have reckoned that in 212 not less than 90,000 citizens were serving in the armies and fleets out of about 195,000 *iuniores* or 260,000 adult males. If the Latins numbered 150,000 in 218 (p. 84), had suffered proportionate losses, reducing them to 139,000 by 212, and supplied troops *pro rata* with the Romans, they had 48,000 men in the field. Thus about 400,000 Roman and Latin adult males provided nearly 140,000 soldiers. If they put 170,000 men into the field in 90/89, and if the proportion of soldiers to adult males was the same (as Appian's allusion to the shortage of men might suggest), then the number of Roman and Latin adult males was about 485,000.

I believe that this number is too low. On either of the hypotheses concerning the census of 124 discussed in Chapter V the Roman citizens are likely to have been more than 400,000. But if the size of the citizen body had probably grown by a third or more since the beginning of the Hannibalic war, some measure of increase should also have occurred among the Latins. It seems to me reasonable to estimate the number of old Romans and ex-Latins in 69 at about 585,000, and there had probably been a fall since 90 among adult males on account of war losses in the decade that began in that year. How then can we account for the need to call up freedmen? The most obvious explanation is that Rome mobilized more men than I have assumed, e.g. some 200,000 (giving about the same ratio to 585,000 as 140,000 to 400,000), probably an extravagant estimate.

Another answer may be attempted. (1) The number of freedmen in the citizen body may have been very large already, 100,000 or more, and significant among the Latin cities. (2) The proportion of free-born citizens who were unfit for service as a result of poverty and undernourishment may have been very high, especially among the urban plebs. (3) It was harder to mobilize Latins and Romans in 90/89 than in the Hannibalic war.

[1] Dio fr. 100; App. *BC* i. 82. 373. Cf. Brunt, *AL* 73 ff.
[2] App. *BC* i. 49. 212; *Per.* Livy lxxiv; Macrob. i. 11. 32.

Of the Latin cities Cremona, Placentia, Luceria, Brundisium, Venusia, Beneventum, and Paestum had then been within the 'fronts'; in 90/89, we may subtract the first two but add Firmum, Hadria, Alba, Carsioli, Aesernia, Sora, Vibo, and Thurii; Venusia was actually betrayed and Aesernia captured. Many Romans were domiciled in the heart of rebel country, e.g. in Apulia and Lucania (Chapter XVII), and areas of denser Roman settlement, in the Picene, Sabine, and Aequian country or in the upper Volturnus valley, were directly threatened and at times overrun. Men were needed here for local defence. Many Romans and Latins were also resident overseas; the story that Mithridates massacred 80,000 Italians in the east is indeed a gross exaggeration (pp. 224 f.), and we can make no informed estimate, but 50,000 may have been abroad.

It is true that in his last years Augustus also resorted to the call-up of urban dwellers and freedmen, although it is inconceivable, despite his complaint of 'penuria iuventutis' (p. 130), that the few thousands of men he needed could not have been raised by conscription in other parts of Italy. For reasons we can only surmise Augustus preferred to spare the free-born *agrestes*, so far as he could; his successor was to give up conscription in Italy and depend on provincial recruits (p. 414). However, the crisis of 90 was far graver than those of A.D. 6 and 9, and there is no sign that the senate was reluctant to enforce conscription throughout Italy in the late Republic. It is best then to take Appian's explanation seriously; freedmen were enlisted because manpower resources were strained to the uttermost. Once again, we can see that the theory that the census figures of the second century included only *assidui* cannot be sustained. If there had been over 300,000 *assidui* in the Gracchan period, we should expect an equal or greater number of *proletarii*, in view of the widespread impoverishment, and as by 90 all able-bodied citizens were available for legionary service, there could have been no difficulty in raising troops, had there been as many as 600,000 adult males. Thus, while Jones's contention that the proportion of *incensi* was rising in the second century may be conceded, it cannot (as he suggests) have been indefinitely high; the strain on manpower that Rome experienced in 90 imposes an upper limit.

On their side the rebels too were fighting a life-and-death struggle and should have mobilized every available man. The course of the war seems to me to show that in 90 they enjoyed a parity with the Roman forces but that they were quickly beaten in 89, when they were outnumbered (Chapter XXIV). The general considerations adduced in the last chapter make it initially probable that they had fewer adult males than the Romans and Latins combined, and their numerical inferiority is what we should expect. But as they had taken the initiative and as the Romans and Latins were more widely scattered and could only be fully mobilized after a considerable delay, it was natural that Roman preponderance was not established in the

first year of the war. I would put the number of men ever enlisted by the rebels at not more than about 150,000.

In Table V (p. 54) the number of Italian adult males in 225 has been estimated at about 940,000 on various assumptions; in particular, that the returns made by Rome's allies in that year included only *iuniores* (*proletarii* as well as *assidui*) and that even for *iuniores* they were much more defective than the enumeration of Roman citizens. In comparing this hypothetical and rough estimate with the census return of 69, we must bear in mind not only that the censors then failed to register some 70,000 soldiers overseas but that the proportion of other *incensi* among the old citizens is unlikely to be lower than 10 per cent, and that among the new citizens it is probably higher; if the allies were less apt than the Romans to make full returns for the reasons suggested on p. 57, we may think that they did not abandon their old habits on obtaining the citizenship.

TABLE VIII

CONJECTURAL ANALYSIS OF CENSUS RETURN OF 69

Notes. *Censi* include an estimated 70,000 soldiers overseas who were not actually registered. The ex-rebels are the Samnites (including peoples in south Campania), Lucanians, Apulians, and Abruzzi peoples. Other ex-allies are the Etruscans, Umbrians, Greeks, and Bruttians. Column 4 is derived from Table V, column 3. Numbers of all peoples must have been higher in 90, cf. p. 94.

	1 *Censi*	2 *Incensi*	3 1+2	4 No. in 225	5 Increase since 225 (%)
Romans (pre-90)	375,000	37,500 (10%)	412,500	300,000	112,500 (37·5%)
Ex-Latins	150,000	22,500 (15%)	172,500	134,000	38,500 (34%)
Total	525,000	60,000	585,000	434,000	151,000 (37%)
Ex-rebels	288,000	72,000 (25%)	360,000	320,000	40,000 (12·5%)
Other ex-allies	168,000	42,000 (25%)	210,000	186,600	23,400 (12·5%)
Total of all ex-allies (including Latins)	606,000	137,500 (22·7%)	742,500	640,600	101,900 (16%)
Grand total	981,000	175,000 (17·8%)	1,155,000	940,600	214,400 (22·8%)

To determine the Roman and the allied components in the census return of 69, we might assume (1) that the figure for Romans and Latins together should not be so high as to make the strain on their manpower in 90 unintelligible; (2) that they should outnumber the ex-rebels; (3) that the Roman figure should show the highest rate of increase since 225; (4) that

the number of *incensi*, other than serving soldiers, should be not less than 10 per cent among the old citizens and should be greater among the former allies.

Table VIII offers a conjectural model analysing the census return which satisfies these conditions (given that the proportion of freedmen was high among the Romans). Naturally the figures could be varied within limits. For instance, the number of *incensi* among the old Romans is set rather low, with the explanation offered on p. 82 in mind; if it were increased, the number of *incensi* among the ex-allies might be reduced, to yield the same total in column 2. It is a mere guess that the numbers of ex-rebels and other former allies had grown since 225 at the same rate. Probably the increase was much above the average among the south Campanians, and much below among the other southern rebels (cf. p. 375 n. 2). Perhaps a decline among Bruttians and Greeks, included in other ex-allies, was more than offset by accretions to the Etruscans and Umbrians (cf. pp. 86 f.). The accretion in Latin numbers takes account of post-225 colonies. The Roman 'component' is compatible with either of the alternative reconstructions of citizen population in the late second century (Chapter V). To put it much higher would make the strain on manpower in 90 hard to understand. And if it is roughly right, then we cannot much increase the estimates for ex-allies, without neglecting the superiority Rome enjoyed in the war and the improbability that allied population had grown since 225 much more than Roman. Thus any large variation in the figures conjectured is implausible.

It is of course often thought that the enumeration of 70/69 was so incomplete as to be worthless. This view is partly based on the assumption that all citizens had to register at Rome; naturally a large number would have failed to do so. I have tried to show that this assumption is contrary to the evidence and intrinsically improbable (pp. 35 ff.). It is held that the majority of citizens had no interest in voting rights and the censors none in recording them as voters. However that may be, it is clear that 910,000 citizens did not regularly vote; the number actually registered far transcended the number whose votes were usually cast, and that in itself shows that registration was *not* restricted to citizens active politically, and that we cannot argue from a lack of interest in the vote to grave defectiveness in registrations. It is also argued that as *tributum* was no longer levied, and as the old property qualification for legionary service had fallen into abeyance, the censors had no motive, as in the past, to search out with diligence the men liable to pay taxes and to serve in the army. It is implicit in this argument that there was no difficulty in recruiting volunteers for the legions. In fact, conscription was still frequent (pp. 408 ff.), and the municipalities had to find probably specified numbers of men at the time of levies (p. 41). It was, therefore, in their interest to have as complete a register of men

available for service as they could make. If men of the propertied classes were to be spared, they could not afford to leave out *proletarii*. In the years immediately preceding the census of 69 the claims of the armies on Italian manpower had been very great, and were indeed exceeded in the first century only during the civil wars. By 72 as many as 40 legions were probably in service, perhaps comprising 150,000 men even on the assumption that many were well below strength (Chapter XXV, section (i)). The local magistrates must then have been fully aware from recent experience of the necessity to count as many of their citizens as they could. In my view it was already incumbent on them to make returns which the censors incorporated in their registers (pp. 35 ff.). But if this view be rejected, it still does not follow that the censors themselves were indifferent to enumerating the poor, who could now be summoned for army service. There are therefore no cogent *a priori* reasons for regarding the census of 69 as significantly more defective than I have allowed. The enumeration of that year would never have come under suspicion but for its apparent incongruity with the Augustan figures. It was this incongruity that led Frank to think that the true number of citizens was raised from 400,000 to 1,600,000 or even 2,000,000 by the incorporation of the allies. If either of these estimates for 69 is right, at least the ratio between the old and the new citizens must be wrong, and we must discard the second-century enumerations from which his figure of 400,000 is derived; in my judgement this will carry with it rejection of the third-century data, including Polybius' figure for 225, since they are coherent with those of the second century. Hence, we can know nothing about Italian population before the time of Augustus. This conclusion seems to me too pessimistic.

VIII

DEVELOPMENTS BETWEEN 80 AND 28 B.C.

BELIEVING that the Augustan census figures of over 4 millions (Table I) were accurate and included only adult males, whereas the figures for 85 and 69 were virtually worthless, Frank wrote:

The addition of the populous Transpadane region in 49, the extensive colonization of Caesar and Augustus, the accurate enumeration of citizens in the provinces, and the normal increase of population through forty years will readily account for the figure of 28. It is probable that the census statistics would have been about as follows, if they had been full:

Year		Free Adult males	All Citizens
85	(after Italy enfranchised)	1,500,000	4,500,000
50	(increase of 35 years)	2,000,000	6,000,000
49	(Transpadane incl.)	3,000,000	9,000,000
40	(colonization and increase)	3,500,000	10,500,000
28	(colonization and increase)	4,063,000	12,000,000

It is not improbable that 3,500,000 of these male citizens lived in Italy . . .[1]

This reconstruction is not of course based on evidence: it is a hypothesis. No doubt it could be varied in more than one way; the initial numbers could be pitched still higher, the estimate for the Transpadanes could be raised, or the rate for 'increase' (which must include manumissions as well as births) might be higher. But some such reconstruction is needed to account for the Augustan enumeration of 4,063,000 in 28 B.C., if it is to be interpreted as Frank assumed.

The number of citizens posited by Frank in 85 is already far too high and cannot be raised (Chapter VII). But if it must be reduced, we can only justify Frank's conclusion on the meaning of the Augustan enumerations by allowing for higher increments after 85.

His estimate of 1,000,000 for Transpadani enfranchised in 49 is sheer guesswork. Beloch proposed 270,000. There are no numerical data. In Chapter XIII I have tried to ascertain from a survey of the general conditions in Cisalpina whether that region was probably populated densely or thinly.

[1] *ESAR* i. 314–15. In *Cl. Ph.* xix, 1924, 335 he suggested that in 90 some 400,000 of those who were to be citizens by 85 were living outside 'Italy', in Transpadana and elsewhere. On this see Chapter XIII.

No certain conclusion emerges. The evidence is compatible with Beloch's view, and one would hardly think that the population could have exceeded Frank's estimate. In my view it must be assessed at a figure compatible with that hypothesis on the meaning of the Augustan returns which is most credible on other grounds, but Frank's figure must be taken as a maximum. In that case it is necessary to suppose that the rate of increase in the citizen body outside the Transpadane region was even higher than Frank conjectures.

We may first consider the last two lines in Frank's table. He explains the rise in numbers by '*colonization* and increase'. Since he does not refer to colonization under 50, it can be assumed that he had not in mind the settlement of veterans by Sulla or under Caesar's agrarian legislation of 59, but only the colonization effected by Caesar as dictator and by the triumvirs. Now Caesar's work in founding colonies did not begin before 46, and very few of those he planned were established in his lifetime (pp. 255 ff.). The mere redistribution of citizens by their settlement in colonies obviously had no effect on their numbers, and though the settlers doubtless enjoyed better conditions than in their old homes, and had more chance to thrive and multiply, few or no children born to the colonists settled by Caesar as dictator would have been eligible for registration in 28, if the census of that year (as Frank supposed) enumerated only adult males over 17. Those settled after Philippi or Actium must of course be excluded from consideration. Probably Frank had it in mind that when provincial colonies were founded some of the resident provincials were enfranchised. In addition, between 49 and 28, some provincial communities as such became Roman *municipia*. The number of new citizens is hard to calculate. How many colonies and *municipia* were established in these years, and what was the scale of enfranchisements resulting? These questions admit of no certain answer. On the best estimate I can make (in Chapter XV) the number of new citizens overseas was about 120,000; conceivably it was as high as 200,000; and it may have been less than I suggest. The highest of these figures, which is not the most probable, still leaves an increment of over 800,000 to be accounted for by 'increase'.

Under this head Frank must include manumissions as well as the excess of births over deaths. He himself estimated the number of manumissions between 81 and 49 as 500,000. This is equivalent to the suggested increase in adult males between 85 and 49. If it were acceptable, it could no doubt be conceived that the number of manumissions between 49 and 28 was hardly less great. However, the total number of manumissions would include women as well as adult males. Moreover, as shown in Chapter XI, section v, to a considerable extent one annual cohort of new freedmen must have merely replaced another which died without reproducing itself. And in any event Frank's estimate is worthless, since it is based on fallacious arguments (Appendix 7).

Is the order of magnitude plausible? We have the impression that freedmen preponderated in the urban proletariat of Rome. By Caesar's dictatorship the number of grain recipients had grown to 320,000.[1] Most of these may have been freedmen. In all the towns of Italy skilled and trusted slaves earned their freedom after a few years of servitude. It may not seem implausible that 500,000 adult male slaves were manumitted between 85 and 49.

Doubts may soon occur. In this period it may have become common for masters to manumit their slaves informally. In strict law these freedmen remained slaves and could not be counted as citizens; Augustus, or Tiberius, was to regulate their status, guaranteeing their personal liberty but making them Latins, not Romans.[2] Such persons should not have been eligible for registration in 28.

Caesar cut down the number of authorized grain-recipients at Rome to 150,000. At the same time he provided for the settlement of up to 70,000 of the urban proletariat in colonies overseas (pp. 255 ff.). Apparently, this left about 100,000 without the corn-dole or an alternative livelihood. This requires an explanation. We are told that masters had been manumitting slaves at Rome, in order that they might be fed at the public expense, while still rendering services to their masters. It is very likely that they preferred informal manumission, which avoided the *vicesima libertatis*, and left the beneficiaries more dependent on the masters, as their freedom was precarious. Of course such freedmen, not being citizens, ought not to have been admitted to the dole, but it is patent that there were abuses in the administration. I suggest that Caesar held it proper that masters should remain liable for the maintenance of these former slaves, who were still not strictly free. The number of freedmen with citizen status in the city of Rome may have been only of the order of 150,000 if we suppose that one-third of the authorized grain recipients before Caesar's measures (150,000+70,000) were *ingenui*.[3] It might be rash to conjecture that there were even so many freedmen outside Rome. Most slaves worked in field-gangs, and they were 'men without hope'.[4]

But let us implausibly assume 500,000 manumissions of *adult males* in 85–49 and perhaps as many corresponding to an increased citizen population, from 49 to 28. Should we not expect the process to continue? Yet in

[1] See Chapter XXI for all matters concerning the urban plebs.

[2] On informally manumitted slaves see Gaius iii. 56; fr. Dositheanum 5 (*FIRA* ii. 619). Masters evaded the *vicesima libertatis* which could clearly not be collected, when the state had no official cognizance of manumission, and were still entitled to all these freedmen acquired, just as if they were slaves. The mere fact that a new status had to be devised for them early in the Principate suggests that they were numerically important. Cf. Duff 75 ff., 210 ff.

[3] See p. 379 for the conjecture that in 70 there were only 40,000 free-born citizens living in Rome; an increase of the order suggested is plausible.

[4] Pliny, *NH* xviii. 36, cf. 21.

the next 20 years the number of registered citizens increased by only 170,000, although enfranchisements of provincials also continued.[1] We must then suppose either that the rate of manumissions abruptly declined or that, if it continued, there was a sharp decline in the free-born citizen body, a rise in mortality or a fall in fertility or both. But, if we accept the first alternative, how can we explain why in legislation of A.D. 2 and 4 Augustus thought it wise to impose restrictions on manumissions? Was he really limiting a practice that had become markedly less common ever since 28? Or had the rate of manumissions suddenly risen just before A.D. 2, as unaccountably as it had fallen? Suppose then that we adopt the second alternative and posit a rising death-rate or a declining birth-rate. Again these phenomena would be wholly inexplicable. It is true in my view that the free-born population of Italy was failing to reproduce itself even under Augustus' rule, but then we should expect this to be a mere continuance of a process that had been going on in the late Republic, which is more likely to have been slowed down than accelerated under the *Pax Augusta*. And if among the free-born Italians deaths exceeded births in the years 85–28, or at least in 49–28, we shall have to assume that there were even more Transpadani, and enfranchised provincials, and more freedmen, than Frank allowed for, if we are still to believe that the size of the citizen body was growing so fast as he thinks.

In fact Frank's reconstruction surely requires us to believe that the citizen body was growing in the late Republic by natural increase. A general objection must be made against his reconstruction in principle, however it may be elaborated in detail. On his own view the free population of Italy comprised about 1 million adult males in 225. This estimate is surely not far from the truth. By 85 it had increased to 1½ millions in his opinion. The annual rate of increase is a little over 0·3 per cent from all sources. But between 85 and 59 it increased again as much as in the preceding 140 years, at an annual rate of about 1·3 per cent. Then after the enfranchisement of the Transpadani, it multiplied by nearly a third in 21 years, at an annual rate of 1·67 per cent. At this point there is a sudden change. Between 28 and 8 the annual rate falls to 0·2 per cent. In 8 it takes up once more; the rate is about 0·7 per cent in the next 22 years. But even this is far below that registered in Frank's reconstruction for the late Republic. His reconstruction of demographic trends between 81 and 28 is thus prima facie incoherent with those observable both before and after this period.

It does not follow inevitably from this that Frank was wrong. It is theoretically possible that the late Republic was a time when the population increased to an extent paralleled neither before nor after. However, contemporaries did not take this view; they seem to have been alarmed by the supposition that population was declining. In 59 Caesar gave preference

[1] For an estimate of 106,000 adult males see Chapter XV, section (viii).

in land allotments to fathers of three children, and yet it seems that only 20,000 came forward.[1] Cicero, who in his ideal system of laws had laid upon the censors the duty of preventing celibacy, exhorted Caesar in 46 to promote fertility: 'propaganda suboles'.[2] Dio says that in that year a fearful lack of men was apparent from the 'registrations which Caesar carried out like a censor' and from mere observation; he ascribes it to the heavy mortality in the wars. Once more, Caesar offered prizes for large families, what prizes we do not know, but probably fathers of families were again given preference in his colonial settlements.[3] Augustus' marriage legislation of 18 B.C. was undoubtedly prompted by concern at the frequency of celibacy and childlessness, however ineffective it may have been to promote fertility among the general body of citizens (the penalties and rewards prescribed affected only persons of some property, together with freedmen and freedwomen, and do not seem to have had much effect even on the behaviour of these limited classes). It is striking that we are told that in 18 men predominated over women in the free-born population, which suggests the prevalence of female infanticide. The evils Augustus sought to check had certainly not just emerged in his early Principate; he had proposed an abortive scheme to serve the same purpose very soon after taking his first census.[4]

Contemporaries had at their disposal numerical evidence which is now lost. The *quinquennales* of Italian municipalities must surely have regularly enumerated their townsmen, all the more because the task of finding men for the legions devolved on the local governments (p. 41). Statesmen at Rome can hardly have been wholly ignorant of trends that such local enumerations would have revealed. Moreover, it seems to me inconceivable that none of the pairs of censors appointed in 65, 64, 61, 55, and 50 succeeded in enumerating the citizens. It is true that none performed the *lustrum*, and that none of their enumerations is recorded.[5] But that does

[1] Suet. *Caes.* 20. 3; App. *BC* ii. 10; Dio xxxviii. 7. 3, cf. Chapter XIX, section (iv).

[2] *Marc.* 23.

[3] Dio xliii. 25; he thought that Caesar took a census of all citizens, like a censor. Suet. *Caesar* 41. 3 and Dio xliii. 21 refer to an enumeration of the *plebs frumentaria*, and *Per.* Livy xcv ('recensum egit, quo census sunt civium capita CL'), despite the formula traditional for censuses, must refer to the same enumeration, since his total is the same as that given by Suetonius. It is also less than half the previous number of grain-recipients. Hence, the statements of Appian (*BC* ii. 102) and Plutarch (*Caes.* 55) that the number registered by Caesar was half the previous total show only that, like the wretchedly inaccurate author of the *Periochae* (for whose errors Livy should never be blamed) and Dio, they confused a *census populi* with a *recensus plebis frumentariae*. It is conceivable that Caesar intended to take a census, and if the fourth section of the Table of Heraclea is Caesarian, that must surely be the case, but its date is uncertain (Appendix 2). Pieri 188 f. notes that a census of the citizens at Rome was a necessary concomitant of local registrations in the Italian towns.

[4] See Appendix 9; for infanticide, Chapter XI, section (vi) (*a*).

[5] See *MRR sub annis*; G. Tibiletti, *St. et Doc. Hist. et Iuris* xxv, 1959, 118 n. 91. Augustus makes it clear that the *lustrum* of 28 was the first since 69, not that there had been no intervening registration. The *lustrum* was an archaic ceremony, not integrally

not prove that they all failed to complete a registration, even if each registration was in the end technically invalid. If the lists of voters remained unchanged between 69 and 49, they would have been so out of date that the need to revise them would have become a politically urgent problem, of which we should expect to hear something. All those who attained the quaestorship at the minimum age of 30 from 55 onwards would have been omitted from the register. But it was surely within the competence of the magistrates presiding over the assemblies to take account of the technically unfinished work of some of these censors. There is no evidence known to me for the rival suggestion that in default of up-to-date registration citizens could simply vote in the tribes and centuries of their fathers or grandfathers.[1] This may have been so, but it would have been more convenient for magistrates to use even imperfect census lists drawn up by censors who had failed to complete the *lustrum*. Livy's belief that in the fifth century a census had been taken, though the *lustrum* could not be performed, at least indicates that Romans in the first century regarded such a procedure as legitimate.[2] Allegedly the censors of 65 and 64 accomplished nothing at all, but those of 61 did revise the roll of the senate and let the Asian tax-contracts; they were still in office in June 60 and busied with the census,[3] and their work must have been virtually finished, though unhallowed by the traditional ceremony. Again, the censors of 55 were still in office in July 54, when Cicero wrote that men despaired of a *lustrum*.[4] They could have received most of the data required for an enumeration and constructed usable lists. The indifference shown in this period by the governing class to old religious rites makes it implausible that magistrates would have scrupled to use them because no *lustrum* had been celebrated. It has recently been argued that for political motives powerful forces sought to prevent any new census being taken.[5] If this were so, it would be surprising that there should be no hint in our copious evidence of such motives. Nor can they readily be conjectured. When the voting lists were not up to date, friends and foes of every clique were impartially disqualified; that would still be true even if on Tibiletti's view all the 'old citizens' could vote and only some of the new citizens, omitted in 69, were disfranchised. The failure

connected with the registration (see Appendix 4), and its revival by Augustus may be associated with his revival of other ancient religious practices.

[1] So Tibiletti 103, rejecting the view here adopted and put to him by E. Badian; he embraces the *dogma* that no enumeration was even practically useful, unless hallowed by the *lustrum*, yet allows that Caesar here broke deliberately with Republican tradition. Why should the Pontifex Maximus have done so? If he designed to take a census in 46, his failure to perform a *lustrum* may be simply explained by supposing that he had not finished the work of registration.

[2] Livy iii. 22. 1. [3] *Att.* i. 18. 8; ii. 11. 1, see Addenda.

[4] *Att.* iv. 9. 1, 11. 2, 16. 8. On censorial records of 54 see *StR* ii. 360 n. 2.

[5] P. Wiseman, *JRS* lix, 1969, 59 ff., an article which the author kindly showed me in typescript, cf. p. 83 n. 2.

of successive censors to celebrate a *lustrum* is probably no more than one sign of the prevailing anarchy; they were frustrated by mutual quarrels (as in 65) or by the obstructionism of personal enemies or rivals.

Caesar is said to have carried out a census of the whole people, but if this be true and if the number he enumerated was only half that enumerated before the war (presumably in 54 or 60), we can only conclude that his census was grossly defective; such a fall-off could, of course, not be explained (as Dio thought) by war losses, and it would stand in the starkest contradiction with the Augustan census figures, even on the interpretation offered by Beloch and accepted in principle in the next chapter. However, it seems likely that our authorities mistook the *recensus plebis frumentariae* that he undoubtedly conducted for a census of all citizens, which at best he may have initiated (p. 104 n. 3). Their statements were thus founded on misunderstanding of statistics. However, Dio also says that it was a matter of observation that population was declining. What men observed was the 'solitudo Italiae' of which Cicero had written; some parts of the peninsula were almost deserted except by slaves (Chapter XX). It would be unwise to disregard the evidence of autopsy.[1] The rewards that Caesar again offered to fathers of families, and his attempts to control emigration (except in so far as it was sponsored by the state and directed to reducing the swollen size of the urban proletariat) and to check rural unemployment for free men by enacting that one-third of the herdsmen must be free,[2] all tend to show that contemporaries were concerned about depopulation and a low survival rate.

To determine how far contemporary anxieties were justified, we can only seek to ascertain from general considerations whether it is probable that the free population was declining or increasing faster than in the second century or under Augustus.

It has been suggested earlier that the allotment of lands to the poor might have tended to improve their chances of multiplying. Now Sulla gave lands to probably some 80,000 soldiers, and the beneficiaries of Caesar's agrarian laws of 59 may have numbered nearly 50,000 (Chapter XIX, (iii) and (iv)). The period of the late Republic was, therefore, one in which the poor were settled on the land on a scale that may never previously have been equalled; the number of Gracchan settlers is, of course, unknown. On the view taken here of the size of the Italian free population some 10 per cent of the adult males were given new economic opportunities *c.* 80 and 59. Prima facie the effects of this colonization might have been reflected in the census of 28, whether or not Augustus enumerated only adult males; by contrast, as

[1] The mistaken view of Dr. Price (see G. T. Griffith, *Population Problems of the Age of Malthus*, 1926, 1 ff.) that England's population was declining in the second half of the eighteenth century was based on 'faulty calculations', see Helleiner 3, who maintains that in general contemporary *observers* 'cannot often have mistaken prosperity for misery, progress for decline, demographic growth for depopulation', and may be trusted.

[2] Suet. *Caes.* 42. 1, cf. p. 104 n. 3.

observed earlier, the colonization after 46 came too late to affect Augustan figures, if they alone were registered.

Furthermore, it was in this period that free grain was first provided to several hundred thousand of the poor at Rome. Sulla indeed abolished all distributions; they were revived only on a limited scale in 73; the number of beneficiaries was only 40,000 in 70 but was greatly increased by Cato's law of 62; it was only in 58 that Clodius put an end to the charge, and thereafter the number of recipients grew by the time of Caesar's dictatorship to 320,000 and was only temporarily cut down to 150,000; immediately after his death it rose again to 250,000.[1] We might then conclude that the misery of the urban poor too was alleviated in the late Republic, and that they were better able to raise families.[2]

This optimism is fallacious.

Sulla expropriated peasants as well as great proprietors, and we cannot tell whether his settlements added to the number of small farms (Chapter XIX, section (iii)). Moreover many of the Sullan colonists failed to make good, perhaps because they squandered their resources, perhaps because their lands were marginal, above all because of the prevalence of war. The risings of Lepidus and Spartacus subjected Italy to new devastations, more ruinous to small farmers than to large owners, who could stand temporary losses. (The poor may indeed have benefited in one way from the servile revolt: some 150,000 slaves may have perished (pp. 287 f.) and their owners must have been obliged to replace them for a time with hired labourers, or to lease more of their land to free tenants; however, given the preference the *latifonditi* seem usually to have felt for slave labour, these new opportunities were precarious and probably transitory.[3]) Devastations were not the most pernicious consequence of wars. Between 79 and 50 there appear to have been never less than 15 legions in service, between 78 and 71 never less than 22, in 78 about 37, in 73–71 35–40, in 67–62 25–9; the average per year was about 23 (Chapter XXV). The nominal strength of a legion was 6,200 but in practice it was seldom reached (Appendix 27); still there must have been on average some 90,000 citizens in service, and in some years 150,000 or more. Of course the legions were now recruited from all Italy, and Caesar may well have drawn on the Transpadani, even before they were enfranchised in 49 and entitled to serve. If it be true that before the Social war the allies had been providing two soldiers for every Roman legionary (Appendix 26), and if the new citizens continued to furnish two-thirds of the men required, for the old citizens a complement of 21 legions corresponded to one of only 7 before 90, and the average military effort in this period was not much greater than in the second half

[1] See Chapter XXI.

[2] For such optimism see Wiseman, op. cit. (p. 105 n. 5).

[3] The attitudes of Varro and Columella refute Frank, *ESAR* i. 303.

of the second century. None the less, it was a heavy burden on the free population of Italy that nearly 8 per cent of all adult males (on the estimate in Chapter VII) should have been required for the armies year by year, the heavier because it fell entirely on the free-born and mainly on the *agrestes*;[1] the proportion of soldiers, if the population of Rome is excluded, was about 10 per cent. The exceptionally heavy demands made in the 70s must also have principally affected the Sullan veterans, men who were still of age to fight and whose experience commended them to recruiting officers.

Naturally things became worse in the civil wars. From 49 to 30 there can hardly have been fewer than 150,000 Italians under arms in each year (Chapter XXVI, section (vii)). Some of the colonists settled under Caesar's laws of 59, and more of their sons, must have been called up in this period.

The fearful effects of constant wars on the Italian peasantry in the first century have been ignored by scholars because they have commonly assumed that the armies were mainly composed of volunteers. This is an illusion (pp. 408 ff.). Conscription was employed even to raise small numbers of men who were needed to fill the depleted ranks of a provincial garrison. It was indispensable when large forces had to be levied in a sudden emergency. The armies of the civil wars were mainly conscripts. No doubt they were recruited to a great extent from proletarians, but men of property were not exempt.[2] The veterans whom Octavian settled in 41–40 had kin among the farmers who were dispossessed.[3] They had been serving mostly since 49. Many soldiers who were enlisted for Lucullus' and Pompey's eastern wars or for provincial garrisons were with the standards as long or longer. The protracted absence of the husbandman from a small farm now, as in the past, inevitably meant that it was likely to be inefficiently cultivated, that money had to be borrowed, and that in the end there was no alternative to sale. That might not be the worst fatality.

Already in the second century peasants had been forcibly expropriated by powerful neighbours, often when absent on military service. The habits of violence engendered by the civil wars perpetuated and aggravated this practice. Even substantial owners suffered violent attacks on their lands and herds, and small farmers were less able to protect themselves by force or process of law. The government introduced new civil remedies and new penalties to repress the evil, but with little apparent effect. The unarmed traveller might easily be seized by bandits and sold to slave-owners who asked no awkward questions; he would then languish in an *ergastulum*, with little hope that he would be discovered and his freedom vindicated. It was not till 36 and later that effective measures were taken to repress brigandage,

[1] Brunt, *AL* 74; Livy viii. 20. 4 also treats an urban levy as unusual, but cf. vii. 25. 8. See also Sall. *Or. Macri* 26 f. To the evidence in *AL* 85 on areas of recruitment add Dio xl. 60. 1 (Cisalpina).

[2] *Att.* viii. 21 b. 2.

[3] Dio xlviii. 9. 3.

to which many must have resorted who had been ruined in civil wars or had survived among the followers of Spartacus and Catiline, and to inspect the *ergastula* and release free men illegally detained.[1]

The depredations of the pirates in the years just before 67 not only created a grave scarcity of grain in Rome itself (hardly in most parts of Italy, which must have been self-sufficing) but injured trade in general.[2] In 74–73 and in 67–66 the insecurity of the large Roman investments in Asia must have further contributed to a scarcity of money.[3] This meant that credit was not available to the small farmer on easy terms. The burden of debt had never been greater, Cicero says, than in 63 and it extended to every part of Italy. It is quite incredible that it had been incurred solely or mainly through extravagance, as he alleges, and by men who were really solvent but reluctant to pay up what they owed by selling their estates. Cicero was always blind to the miseries of the poor. The harsh law of debt permitted the creditor to put the debtor in bonds, and probably to force him to work off his debt. These sanctions were seldom, if ever, enforced against debtors of the upper class, who indeed generally had assets from which the creditor could hope to recover his capital; but they may have been freely employed against the poor. It is clear that Catiline with his programme of redistribution of lands and cancellation of debts enjoyed wide support among the impoverished plebs in Italy; only the prompt repressive measures taken by Cicero prevented his revolt assuming dangerous proportions. The peasantry who supported him complained that they had lost not only their patrimony but the freedom of their persons. The burden of debt was again oppressive in 49–46.[4]

The fact that free citizens were found to hire themselves out as gladiators under a harsh discipline and with the probability of ultimate death is evidence of the social misery of the age.[5] Indeed, it is far from certain that they did not actually sell themselves as slaves. A slave was at least assured of food; he was valuable property and his owner would not let him starve. A surprising proportion of slaves were Italians by origin; of course many may have been exposed at birth and brought up in servitude, or have been born of slave parents already domiciled in Italy.[6]

The continuing drift to Rome, which is most explicitly attested in this period, is another proof of the bad conditions in the countryside.[7] No doubt it was accentuated by Clodius' grain dole in 58. But the dole went only to

[1] See pp. 292 f. and Appendix 8.

[2] Cic *de imp. Cn. Pomp.* 31 f.; cf. Dio xxxvi. 21. 2, 23. 1 (sailings possible in winter, if at all). See p. 289.

[3] Cic., op. cit. 4 f., 14–19.

[4] *de off.* ii. 84; *Cat.* ii. 8, cf. Brunt, *AL* 74; Sall. *Cat.* 33, cf. Brunt, *JRS* xlviii. 168; J. A. Crook, *Law and Life of Rome*, 1967, 172 f.; M. W. Frederiksen, *JRS* lvi. 128 ff.

[5] Mommsen, *GS* iii. 1–21. [6] Brunt, *JRS* xlviii. 167 f.; Crook (n. 4), 59 ff.

[7] Brunt, *Past and Present* 35, 1966, 1 ff., cf. Chapter XXI.

males over 10; and though more than enough for a single man, it was not enough for a family. Grain still had to be bought on the market for a wife and children; hence the price of grain could still evoke discontent. Moreover, it was one thing to promise rations and another to ensure that the promises were met. In 75 there had been a cruel scarcity and food riots; and hunger must have been prevalent in the years when the pirates were most active. Before Clodius' measure Cicero could describe the urban plebs as wretched and emaciated. By augmenting the effective demand, Clodius' law may at first have actually aggravated the shortage. Famine was never far away in 58–56. Pompey's *cura annonae* evidently relieved the shortage, but it must have recurred in 49–46, when no grain can have been imported from Africa, one of the chief sources of supply. We do not indeed hear of famine at that time, but of riots over rents. However, the more the poor had to pay for food, the less they had in their pockets to pay rents; the two questions were inevitably connected. There was also the cost of other food and of clothes. How did the urban poor subsist? About 1800 when there was a great drift from the country into the towns in England, industrialization provided employment for the immigrants: there was nothing comparable at Rome. The drift into Rome cannot be explained by the supposition that the standard of living was rising there. Shopkeeping and crafts seem to have been largely in the hands of freedmen; for these occupations displaced rural workers lacked the necessary skills and experience. Their opportunities of employment must have been confined to going out into the country for seasonal operations, the harvest and vintage, and to casual work in building or in the docks and transport. The volume of this work was growing, chiefly because of the growing size of the city, but it is likely that there was much unemployment or under-employment.[1] And the poor lived in utter squalor, in jerry-built houses, without adequate light, heat, or sanitation.

The condition of the poor in Rome thus shows that there was much misery in the country, or else Rome would not have attracted immigrants. But we cannot believe that life in the city was conducive to fertility. Things were not worse in Trajan's time, and then free-born boys aged 2–10 seem to have been fewer than 5,000, out of perhaps three-quarters of a million of inhabitants. Naturally far more children were born to free parents, to perish from exposure or be brought up as slaves.[2]

It is no less obvious that the concentration of so many people in so small an area must in itself have promoted the spread of epidemics, and that disease must have taken a heavy toll of a population, most of which was undernourished. Even though we hear nothing of great plagues, mortality

[1] Hence, the urban poor are accused of idleness, Sall. *Cat.* 37. 7; App. *BC* ii. 120; Dio xxxvii. 1. 3, etc.

[2] Chapter XI, section (vi) (*c*), cf. p. 387.

in the city must have been high. Elsewhere in Italy it is probable that large numbers lived in small towns, and experience in fairly modern times suggests that the death-rate would have been higher in such towns than in the country.[1] Of course this would not have been a new facet of Italian life, but the much greater agglomeration in Rome was. Again, modern analogies from a time before this century suggest that the death-rate from natural causes would have been markedly higher among legionaries than among civilians, simply because they were inevitably more exposed to contagious and infectious diseases by being herded together (p. 134). Now for 20 years from 49 some 150,000 or more Italians were normally in the army.

War casualties must also be considered. The losses in the Sertorian war must have been heavy for citizens; after the arrival of Perperna in Spain there was a considerable number of Italians fighting on the rebel as well as on the governmental side, and the Sertorians were well trained and led, so that engagements were keenly contested. In most of the foreign wars the casualties were perhaps not high, but at Carrhae 5 or 6 legions, some 25,000 men, were lost (pp. 461–3). When we come to the civil wars of 49–45, we have Caesar's estimate of 15,000 Pompeians and 200 of his own men killed at Pharsalus; probably he inflated the first figure and minimized the second (p. 696); perhaps no more than 15,000 were killed on both sides throughout the campaign. By the official account huge slaughter was inflicted on the Pompeians at Thapsus and Munda, but most of them were provincials (p. 474), and the estimates may be disbelieved. By contrast, Italian manpower was much reduced in the civil wars of 43–42, not so much in the fighting at Mutina, desperate as it was, for there the forces engaged were not large, as in the Philippi campaign, when the number of Italians involved was unprecedented; some 50,000 were probably lost, in the bloodiest campaign in Roman history (pp. 487 f.). Casualties in the *bellum Perusinum* and in the final struggle between Octavian and Antony are not likely to have been heavy, but in his invasion of Parthia Antony lost some 20,000 men (p. 506), and Octavian's casualties in the wars with Sextus and in Illyricum cannot have been negligible. If the census of 28 conformed to the traditional pattern, no men born since 45 can have been registered, whereas the mortality among the adult males in the subsequent years would have affected the total. It cannot be doubted that the death-rate was very high in the legions, whether it was due to fighting or to disease; this is clear from the evidence we have about the wastage in particular legions (Appendix 27), and from the fact that 40 per cent of the soldiers who served under Augustus do not appear to have survived to enjoy rewards on discharge (p. 339).

The sufferings of Italy reached their highest peak since the time of

[1] p. 134.

Sulla in 43–36, with devastations, proscriptions, confiscations, ruthless levies of money and men, and persisting famine or near-famine. Appian tells how in 41 Rome was starving, as Sextus had cut off supplies by sea and Italian agriculture was ruined by the wars. 'Squalent abductis arva colonis.' The soldiers could not be controlled; they seized what food there was. Robberies and violence at Rome went unchecked. 'The people closed their shops and drove the magistrates from their places, thinking that there was no need of magistrates or useful arts in a city oppressed by hunger and infested with brigands.' Hope revived with the pacts of Brundisium and Misenum in 40; everyone, he says, rejoiced at deliverance from intestine war, conscription, the violence of garrisons, the desertion of slaves (to Sextus), the pillage of fields and abandonment of cultivation, and above all from famine which pressed on them with the utmost severity. But hope was deferred until 36, when at last Octavian crushed Sextus and could claim to have restored peace by land and sea, and security was not assured until Actium. Since 49 indeed there had been 'discordia, non mos, non ius', economic disruption and heavy mortality; no wonder that Augustus 'cunctos dulcedine otii pellexit'.[1] And yet it is in this period, as well as in the only less disturbed epoch between Sulla's dictatorship and Caesar's crossing the Rubicon, that Frank asks us to believe that there was an unparalleled increase in the free Italian population. All the evidence unmistakably points the other way. Enfranchisements of provincials and slaves certainly swelled the size of the citizen body, but this increase only concealed a considerable diminution in the old Italian stock.[2]

[1] App. *BC* v. 17 f., 74. For famine cf. 22, 25, 67 f., 71 (41–40 B.C.), 92, 99 (37–36); see also Dio xlviii. 7. 4 (41), 31. 1 (40). Before the pact of Misenum Octavian had been nearly killed in a riot at Rome, App. 68; Dio xlviii. 31. In 38 and 36 there were further seditions at Rome, Dio xlviii. 43. 1; App. 112, and some kind of rising in Etruria, Dio xlix. 15. 1—directed against the continuance of war and the consequential exactions. The craving for peace is reflected not only in, e.g., Virg. *Ecl.* iv; *Georg.* i. 489 ff. but in the way the soldiers forced Antony and Octavian to come to terms at Brundisium (Dio xlviii. 37. 2, cf. App. 57, 64), the demonstration at Misenum in 39 (Dio xlviii. 37. 2), the honours showered on Octavian in 36. Horace's 'ego nec tumultum / nec mori per vim metuam tenente / Caesare terras' (*Odes* iii. 14. 14) must reflect a common sentiment of men who lived through the anarchy into the Augustan peace, cf. Tac. *Ann.* i. 2; iii. 28.

[2] Note p. 375 n. 2 on southern Italy.

IX

THE AUGUSTAN CENSUS FIGURES

In the *Res Gestae* Augustus gives the following census returns:

28 B.C.	4,063,000
8 B.C.	4,233,000
A.D. 14	4,937,000

In place of the last figure the *Fasti Ostienses* give 4,100,900. This must be regarded as based on an incomplete return. It will be considered in due course (pp. 119 f.).

Beloch's view that these figures comprise women and some or all children is based fundamentally on the impossibility of reconciling them otherwise with the Republican data. But he was also able to point out that the elder Pliny interpreted the earliest Roman census figures as relating to *capita libera*, and not to adult males only.[1] He suggested that Pliny anachronistically assumed that the practice of his own day had obtained in earlier times. The truth may be rather different. It is possible that in Augustus' time some annalists differing from Fabius Pictor had already taken the view we find in Pliny that the census had originally included all persons of citizen status, and that Augustus could claim to be reviving the ancient custom.[2] On either hypothesis the evidence of Pliny supports Beloch's interpretation.

It is of course necessary to explain why Augustus made an innovation in the current practice. Beloch suggested that he was seeking to bring the censuses of citizens into line with provincial censuses.[3] But this is not easy to accept. Though the provincial censuses which Augustus began to take were probably modelled (outside Egypt) on the Roman census, their purpose was quite different. They served as the basis for taxation, sometimes including a poll-tax on every adult, free or slave; whereas the Italians normally paid no property or poll taxes. This distinction was present to the mind of Claudius, when he remarked that the Gauls had been peaceful when Drusus was campaigning in Germany, even though 'a census novo tum opere et inadsueto Gallis ad bellum advocatus esset; quod opus quam arduum sit nobis, nunc cum maxime, quamvis nihil ultra quam ut publice

[1] *NH* xxxiii. 16, cf. *Bev.* 342; *Klio* iii. 452; p. 27 *supra*.

[2] In my view Livy, writing for readers who were familiar with the practice of counting women and children, thinks it necessary to explain that according to Fabius the Servian census comprised only 'qui arma ferre possent' (i. 44. 2). [Cf. Dion. Hal. iv. 15. 4f.; M. H. Crawford, *Mél. Heurgon*, 1976, 199.]

[3] *Bev.* 374 f.; 309 f.

notae aint facultates nostrae, exquiratur, nimis magno experimento cognoscimus.'[1] The census of citizens which Claudius was taking was needed only for purposes of information, without the practical and unpopular function which the Gallic census served. Furthermore provincial censuses were taken at different times in different provinces, and not always at the same time as the enumeration of citizens—in Gaul, for instance, in 27 and 12 B.C. and A.D. 14 and in Syria and Judaea in A.D. 6–7, at regular intervals of 14 years in Egypt and perhaps more often in Syria and elsewhere.[2] Comparison between the various data would thus have been fallacious.

It is far more likely that Augustus' motive was purely demographic. The marriage laws show his concern with the population problem in Italy (Appendix 9). The practice in Egypt may indeed have suggested to his mind the possibility of registering women and children. Since Beloch wrote, we have learned that under the Lex Aelia Sentia and the Lex Papia Poppaea, and perhaps under the Lex Iulia *de maritandis ordinibus* which the Lex Papia Poppaea amended, he instituted birth registration of legitimate children of Roman citizens.[3] This regulation may well also have been suggested by the system in Egypt where births had to be registered in addition to the census returns at 14-year intervals.[4] But it shows that his concern was not only with adult males.

It may be objected that if Augustus enumerated women and children as well as adult males we should not expect to find both in the *Res Gestae* and in the *Fasti Ostienses* the old formula employed: 'civium Romanorum censa sunt capita tot.' Beloch suggested that it might be significant that the words 'praeter orbos orbasque' or 'praeter pupillos pupillasve et viduas' are not added.[5] But these additions are found only twice in reference to Republican census returns;[6] normally the literary sources simply ignore the existence of these separate lists. However, the objection is as unconvincing as Beloch's answer to it. Our sources for the Augustan returns, though official, are not technical, and there was no need for them to explain elaborately what everyone who read them knew. They are not inaccurate, for the term *civis* is appropriate to every person of civic status.

We happen to know that women were returned in the census taken by Vespasian.[7] Unfortunately this is no confirmation of Beloch's hypothesis.

[1] *ILS* 212 at end.

[2] Gaul, 27 B.C. (*Per.* Livy cxxxiv; Dio liii. 22. 5), 12 B.C. (*Per.* Livy cxxxviii; *ILS* 212), A.D. 14 (Tac. *Ann.* i. 31, 33); Syria and Judaea, A.D. 6 (Jos. *AJ* xvii. 355; xviii. 2 and 26; *ILS* 2653; Luke 2. 1–3 is indefensible on the date of Quirinius' census, but need not mean that a census was held simultaneously throughout the empire, which would also be wrong); in Egypt a census was held in A.D. 19/20 and at 14-year intervals thereafter and probably earlier, not then coinciding with those in Gaul, see S. L. Wallace, *Taxation in Egypt*, 1938, 96–8.

[3] *FIRA* iii, nos. 1–5, cf. F. Schulz, *JRS* xxxii, 1942, 78 ff.; xxxiii, 1943, 55 ff.

[4] Wilcken, *Grunds.* 195. [5] *Bev.* 376. [6] Livy iii. 3; *Per.* Livy xxxix.

[7] Pliny, *NH* vii. 162 f.; Phlegon, Jacoby no. 257, 37.

The evidence relates to women of great age, who would probably have been widows and therefore would have been enumerated even in the Republic on a separate schedule. However, in my view, Beloch's interpretation of the Augustan figures must stand even in the absence of positive confirmation.

Frank held that the Augustan censuses were very accurate. He says that 'Augustus sent registrars everywhere to take the enrolment.'[1] The only evidence he could have adduced for this statement, though he did not do so, consists of very late and worthless testimony to the census mentioned by Luke, i.e. to the provincial census;[2] it is thus irrelevant. There is no warrant for the view that the Augustan enumerations were markedly more complete than that of 70/69. If there had been no enumeration since 69, as is commonly believed, hardly anyone was alive with practical experience of the task; indeed, some censorial records had been burned down in a Clodian riot.[3] More probably, enumerations which only lacked the confirmation of the lustral ceremony had been made in 64, 60, and 54 (pp. 104 f.), but since then a generation had passed. The work done by the censors of 42 in circumstances of great confusion, to assist the triumvirate in their financial exactions (pp. 122 f.), must also have been incomplete, though this need not be inferred merely from their failure to perform the *lustrum*. The work of taking a census necessarily devolved on local magistrates (p. 38) whose zeal and efficiency must have varied. Citizens scattered in the provinces and living in peregrine communities are no more likely to have been systematically enrolled than in the past, though it may perhaps be assumed that Augustus, unlike most Republican censors, provided for the registration of soldiers. The government perhaps used local registration figures which were partly up to five years out of date and (given an increasing citizen population) too low on that account alone (p. 41 n. 1). Moreover, the motives of the government must have been at least as suspect as ever. Since 44 there had been constant resort to conscription and even direct taxation in Italy (pp. 21 n. 5; 409.). No one could yet be sure that there was to be an end to this. Evasion was therefore natural. The unpopularity of the citizen census in Augustus' time is shown by Dio's statement that in A.D. 4 he decided to hold a registration restricted to citizens resident in Italy and worth over 200,000 sesterces, and not to enumerate the poor, for fear of disturbance.[4] Moreover, if the government now sought to enumerate women and children, the novelty of this practice would make for a higher

[1] *ESAR* i. 315.

[2] The texts are quoted by J. Marquardt, *Röm. Staatsverwaltung* ii², 1884, 209–12. The Suda's figure (s.v. *katagraphai*) looks indeed like an inaccurate figure for citizens only (4,101,017).

[3] Cic. *Mil.* 73. Cf. Mommsen, *StR* iii. 360 n. 2; if his suggestion is unacceptable, records from 69 must have been lost.

[4] Dio lv. 13. 4; this partial census was probably taken in preparation for the introduction of the *vicesima hereditatum* in A.D. 6; Augustus needed up-to-date information from which he could estimate the probable yield of the tax.

rate of deficiency. Even in advanced modern countries there is a tendency for children not to be fully returned.[1] An enumeration in 28 B.C. including women and children would almost unquestionably have been less efficient than the last Republican census, which included only adult males. In 69 I allowed for the exclusion of soldiers and a further deficiency equal to about 18 per cent of those registered. The Augustan figures might easily have been short by 20–25 per cent. If we assume that the deficiency was constantly of this order, we have revised figures as follows:

28 B.C.	4,875,000–5,078,000
8 B.C.	5,082,000–5,291,000
A.D. 14	5,924,000–6,171,000

In his second review of the population problem of ancient Italy Beloch himself suggested that not all children were counted by Augustus.[2] In view of the certainty that infant mortality, even apart from deliberate infanticide, must have been extremely high, it would have been pointless and misleading to register those below their first birthday. Some confirmation for this conjecture may be found in the 'ius anniculi'; those Junian Latins who were entitled to obtain the citizenship if they had a child had to wait until the child was aged one.[3] In any event it seems likely that the return of very young children would have been particularly defective in 28, though in the censuses of 8 B.C. and A.D. 14 those who wished to certify their claims to such privileges as the marriage laws accorded to fathers or mothers might have been careful to register them; children who had died, but had survived their ninth day, or their third year, or the age of puberty, counted in various ways to their parents' benefit. Registration of children at a census might have served as evidence for their existence, in default of the birth-certificate which the parents were also supposed to obtain (*supra*). However, the only citizens affected by the marriage laws were those of property, and freedmen in general, and only the second class was numerically significant.[4]

Supposing then that the Augustan lists included women and children other than infants, what was the number of adult males recorded in them? I have previously accepted the view that, given a high death-rate in antiquity, the percentage of adult males was in the third century between 31 and 28 (p. 59). Among those citizens who had families this is still likely to be true. But a large proportion of the citizen body consisted at this time of freedmen and freedwomen who were childless or whose children were born in slavery and not manumitted with their parents (Chapter XI, section (iv)). The free urban population at Rome, comprising at least half a million citizens, was almost certainly failing to reproduce itself by a very wide margin (Chapter XXI). Some 150,000 citizens (not all Italians, or citizens

[1] R. R. Kuczinski, *Measurement of Population Growth*, 1935, 10 f. (U.S.A.).
[2] *Klio* iii. [3] Gaius i. 29; Ulp. iii. 3. [4] Appendix 9.

by birth) were serving in the army; by a rule that Augustus himself may have introduced in 13 B.C., when he fixed the terms of service, they were not allowed to marry, and, even earlier, long absence from their homes inevitably interrupted or precluded the ties of marriage; children they begot by foreign women were not citizens.[1] Again, we know that celibacy and childlessness were common among the propertied class, and poverty must still have restricted the families of the poor; abortion and infanticide must have been much practised (see Chapter XI). For all these reasons it seems to me that the percentage of 31 for adult males is much too low for this time. Beloch argued for 35 per cent by analogy with France of the late nineteenth century and its stationary population.[2] Of course conditions in France were quite different, since there the death-rate was much lower than we can suppose it to have been under Augustus, while on the other hand modern methods of birth-control had come in. But the effect of the conditions adverse to fertility among Roman citizens may have been much the same. And if it be admitted that very young children were not registered, or not systematically included, Beloch's percentage for adult males become all the more acceptable; 35 might well be too low, especially as the Roman registrations in my view exclude infants.

Assuming, however, that adult males constituted 35 per cent of citizens, I give the number of adult males registered by Augustus according to the census figures (column 1) and according to the figures corrected to allow for a deficiency of 20–25 per cent (column 2):

	1	2
28 B.C.	1,422,000	1,706,000–1,777,000
8 B.C.	1,481,000	1,778,000–1,852,000
A.D. 14	1,728,000	2,073,000–2,160,000

In 69 the total registered had been 910,000, to whom 70,000 soldiers abroad must be added, giving a total of 980,000. The difference between this total and that in column 1 for 28 B.C. is 440,000. I have conjectured that a realistic total in 69 would have been 1,155,000; compared with the totals in column 2, this gives an increase of 555,000–622,000, say 600,000. Are these increases large enough? For the Transpadani enfranchised in 49 we might in default of evidence *guess* 300,000 (Chapter XIII, section iv); I estimate for other enfranchised provincials in colonies and *municipia* 110,000, and for new citizens serving in the army we might allow 30,000 (p. 242); a total of 440,000 adult males. But other provincials had already gained citizenship by army service, and there must have been more freedmen, though we do not know how many; we must bear in mind that many freedmen had probably been informally manumitted and could not properly

[1] Dio liv. 25. 5 shows that he defined terms of service in 13; for prohibition of marriage lx. 24; Mitteis, *Chr.* 372. 1 and other evidence in E. Sander, *Rh. Mus.* 1958, 152 ff.

[2] *Bev.* 376.

register (p. 102). It looks as if the native Italian share had declined. This should not surprise us (p. 375 n. 2).

I shall argue in Chapter XIV that *c.* 49 some 150,000 adult male citizens were domiciled overseas and that in 69 there were no more than 125,000. By 28, in my view, it had risen to at least 375,000 (pp. 263 ff.). On this hypothesis, the number domiciled in Italy or serving in the army in 28 was at most 1,400,000, corresponding to about 4,000,000 men, women, and children, in 69 1,030,000 plus, say, 250,000 Transpadani—a total of 1,280,000, corresponding to 3,655,000 men, women, and children. The small increase at the rate of 8,500 or about 0·2 per cent a year is probably below the net accretion from slaves manumitted in these years.

The hypothesis that the number of the old Italians was on the decline is perhaps confirmed by comparison of the censuses of 28 and 8 B.C. In the first 20 years of Augustus' reign the number of registered citizens rose only by 170,000. Yet manumissions were evidently proceeding at a rate that alarmed the emperor, and persuaded him to restrict them in the following period. Moreover it seems likely that some 100,000 provincials (adult males) were enfranchised in these two decades (p. 264). It may be of course that the census of 8 was more defective than that of 28, but no causes could be conjectured to account for this; one would expect efficiency to have improved. The period was not one of great calamities that might have been expected to raise mortality above its normally high level; at most we can cite the grave epidemic and scarcity in Rome in 23–22.[1] The number of Italians under arms, though considerable, was less than in the 20 years preceding the Principate. In Augustus' reign, allowing for the use of provincials, they can hardly be put at much less than 100,000.[2] This was half the number often serving in the civil wars, but as large as or greater than that in the legions in most of the years from 80 to 49. Quite apart from actual losses in battle, mortality in the armed forces even in peace has (at least until recent improvements in medicine and hygiene) been higher than among those in civil life. Apparently two-fifths of Augustus' soldiers did not live to be discharged (p. 339). But, all in all, we have no ground for supposing that mortality alone was so exceptionally severe between 28 and 8 as to account for a diminution in the number of citizens of the old stock.

It would seem then that under the *Pax Augusta* the reproduction rate did not at once recover. No doubt confidence was slow in growing. Moreover, even now conditions were not wholly favourable to fertility. It was only in the city of Rome that there was (in the form of the grain-dole) anything resembling poor relief; it was left to Nerva and Trajan to provide funds for the sustenance of poor children elsewhere in Italy,[3] and the fact

[1] *RG* 5; Suet. *Tib.* 8; Dio liv. 1, cf. liii. 33. 5.
[2] See p. 339 and Appendix 27.
[3] See above all R. Duncan-Jones, *PBSR*, 1964, 124 ff.

that they and their successors thought this necessary suggests that the factors which had been working in the late Republic against the increase of population were still operative; probably they had never ceased to be so. Augustus settled many of his veterans in colonies which, he boasts, were populous and flourishing in his time, a claim in a work of propaganda that no contemporary would check and that we cannot control. Otherwise, he did nothing to arrest the concentration of property in the hands of the few. Hence the decline of the peasantry may have continued, and the drift to towns, especially Rome. There the grain-dole did not suffice to maintain a family (p. 382).

Between 8 B.C. and A.D. 14 there was an apparent improvement, if we accept Augustus' own figure, which probably stood also in the text of Eusebius and was garbled by Jerome. The figure in the *Fasti Ostienses*, however, shows an absolute fall in numbers. The discrepancy between two contemporary documents, each of which could be assumed to be reliable, is strange. We must clearly suppose that the compilers of the *Fasti* entered a premature and incomplete count. It would be gratifying if we could conjecture that the difference of 836,100 persons represented some identifiable class of citizens, for instance those domiciled overseas. In my view, however, it cannot represent the whole of that class, perhaps 1,870,000 men, women, and children. The number of adult male citizens in the provinces was on my estimates about 580,000, to whom some 150,000 soldiers might be added, giving a total of 730,000. It can of course be said that these estimates are extremely unsafe, and may well be too low. Those who wish to insist that Augustus counted only adult males are thus free to conjecture that the evidence of the *Fasti* indicates that there were 836,000 adult male citizens in the provinces and 4,100,000 in Italy. However, the *Fasti* do not purport to exclude provincial citizens; all that we can say is that they omitted several hundred thousands of citizens, whose returns may have come in late, probably from overseas. It is hardly necessary to say that granting that *some* provincial returns were retarded, *all* need not have been, and that there is no basis for this conjecture. We must disregard the inaccurate total from Ostia,[1] though I offer a conjectural explanation below (p. 120).

On Augustus' own figure there had been an annual increase since 28 B.C. of 20,800 and since 8 B.C. of 35,200, at a rate of 0·5 per cent and 0·8 per cent

[1] In G. Giannelli and S. Mazzarino, *Trattato di Storia Romana* ii². 35 it is suggested by Mazzarino that the total in the *Res Gestae* includes, and that in the *Fasti* excludes, *pupilli*, *pupillae*, and *viduae*. The proportion of orphans and widows would be impossibly high but that Mazzarino assumes that with these exceptions Augustus counted only adult males. He supposes that the number of adult males increased from 910,000 in 69 to over 4,000,000 under Augustus as a result of the extension of the citizenship and creation of colonies and *municipia* by Caesar. This hypothesis is even more vulnerable than that of Tenney Frank and does not require further refutation.

respectively, compared with an increase of only 5,800 a year (0·2 per cent) between 28 B.C. and 8 B.C. The acceleration is not easy to explain. We might rather have expected the record of the last 20 years of the reign to be less favourable. War losses must have been higher, and there was a severe famine in A.D. 4–8.[1] The rate of manumission should have been checked by legislation in A.D. 2 and 4. Similarly it is arguable that there were fewer provincials enfranchised in this period; all of Augustus' *municipia* can be earlier, and most of them must be, while only one colony (in which some natives probably received the citizenship) is known to be later than 14 B.C. (pp. 238 f.).

Could the higher return in A.D. 14 be due mainly to more complete registration? If parents had often failed to register children (pp. 115 f.), the introduction of the system of birth registration may either have stimulated them to enter their children more commonly in their own census *professiones* or have enabled the government to institute a check and further inquiries on the basis of the registers of births. Now it is pure speculation that birth registration was instituted in 1 B.C.; so far as we know, it began only in A.D. 4 (p. 114). Granted that the census figures include children, but not otherwise, the system of birth registration, if initiated then, would have had an impact for the first time on Augustus' last census. Again, it seems that from some date, and perhaps a late date, in his reign the enfranchisements of *peregrini* were recorded in imperial *commentarii*; our evidence comes from an inscription of Banasa (A.D. 177), of which a brief account was given in 1961,[2] but which there has been a lamentable failure to publish in full. These *commentarii* would have enabled the government to investigate whether persons named in them, who had failed to make a census return, were still alive. It could be conjectured that while the figure in the Ostian *Fasti* represents the total of citizens who had originally made census *professiones*, the *Res Gestae* gives us a revised total, derived from further inquiries for which the register of births and imperial *commentarii* provided the material. But would the imperial staff have been competent for such a task?

In conclusion, it appears to me that everything is in reasonable order if we assume that Augustus counted women and children other than infants and not merely adult males; the contrary hypothesis can be defended only if the Republican censuses are all jettisoned as worthless. But it is also apparent, if my view is right, that even under Augustus the native-born Italians were diminishing; the increases recorded in 8 B.C. and A.D. 14 can and should be explained by enfranchisements of slaves and provincials.

[1] Dio lv. 22. 3; 26, 27. 1 and 3, 31. 3, 33. 4; Suet. *Aug.* 42; *Tib.* 16; Oros. vii. 3. 6.
[2] *CRAI* 1961. 317 ff.

X

THE FREE AND SLAVE POPULATION OF ITALY, 225 B.C.–A.D. 14

In 225 there were probably about 3,000,000 free persons in Italy (p. 59), excluding Cisalpina, which was then more thinly settled but may have had a free population not exceeding 1,400,000 (p. 189). Slaves may have brought up the total to about 5,000,000 (cf. p. 59 n. 3 and p. 67 n. 2 for Roman slaves). These figures do not purport to be more than estimates of the right order of magnitude. Persons of citizen status, *excluding infants*, i.e. children under one year, probably numbered about 5,000,000 in 28 B.C. and about 6,200,000 in A.D. 14 (Chapter IX). I reckon that of these under 1,000,000 were living abroad in 28 B.C. and nearly 1,900,000 in A.D. 14; these conjectural estimates are based on complex arguments presented in Part Two. If they are approximately right, the citizen population in Italy at these dates *including infants* was probably no larger than the free population in 225 B.C. Since many citizens were partly or wholly of servile and foreign descent, a decline in the old Italian stocks living in Italy will have to be assumed. The probability of such a decline is further examined in Chapter XI. In my view it was due mainly to high mortality and the limitation of families, and very little to emigration.

I know no means of calculating how many free-born foreigners were domiciled in Italy, but assume that they were not very significant numerically.

There remain the slaves. We have no ancient estimates of their total numbers, and no statistical data can be elicited from inscriptions; clearly the majority of slaves left no memorials of themelves. By contrast, there is abundant epigraphic evidence for freedmen; they dominate in the city of Rome and in many crafts elsewhere, and they seem to be numerous even in rural areas. It would no doubt be fallacious to think that there was any place where there were more freedmen than slaves. Skilled slaves could no doubt generally earn their freedom, if they lived long enough, and their epitaphs record their higher status. It may also be false to suppose that the true ratio between freedmen and free-born is that given by the inscriptions, even when they are sufficiently numerous for us to assume that they are a fair sample of all the epitaphs once set up; for it may be that freedmen were more apt to set up epitaphs than the free-born of the lowest class (p. 387). All that we can safely infer from both literary and epigraphic

evidence is that freedmen were a very numerous class.[1] But the slaves who worked on the land were seldom freed;[2] probably they constituted in an essentially agricultural society the immense majority of all slaves. To estimate total slave numbers we are thrown back to conjectures.

Beloch remarked that Spartacus' army never exceeded 120,000.[3] In fact the number of slaves who took part in his rising appears to have been rather larger, say 150,000 (pp. 287 f.). The loss of so many slaves must have been a grave blow to their employers, but there is no suggestion in our evidence that the *latifundia* were denuded of labour, and I incline to think that we should have heard of this, if it had been the case. This leads me to suppose that the rebels constituted only a small part of the total servile labour force.

Beloch also observed that in 43–42 'the triumvirs imposed a tax of 100 sesterces on every slave in Italy and that that tax would have produced 200 million sesterces, if there were 2,000,000 slaves, as much as the sum of the revenues contributed by Pompey's Asiatic conquests, and more than the income of the king of Egypt at the end of the Ptolemaic rule'; he concluded that the number of slaves could not possibly have exceeded 2,000,000. I doubt the validity of this calculation.

Before Philippi the triumvirs were certainly in great need of money; Sicily and all the provinces beyond the Adriatic were not under their control and Africa was torn by local civil wars. At the same time they had 43 legions under their command (Chapter XXVI, section (iii)), some 160,000 men at a modest appraisal, pay for whom would have amounted to 144 million HS, taking no account of *stipendia* at higher rates than that of the ordinary legionary. Huge donatives had also been paid or promised to perhaps 80,000 veterans, perhaps of 20,000 HS a man, or over 1,600 millions.[4] Shipping and supplies of all kinds had also to be obtained. Very heavy burdens were, therefore, imposed on Italy. The proscriptions and consequential sale of property still left them short, according to Appian, of 200 millions.[5] Writing for Greek readers, he must have meant by this 200 million drachmae or 800

[1] For a fallacious method of determining the number of manumissions see Appendix 7. Freedmen as craftsmen in small towns: see Duff, ch. vi and pp. 198 f., who notes that they form 43 per cent in the Ager Amiternus and 31 per cent in Picenum of all commemorated on inscriptions, other than honorary inscriptions and epitaphs of magistrates, priests, and soldiers. His evidence is mostly from after A.D. 14: within our period note freedmen and slaves in the Arretine potteries (M. Park, *Plebs in Cicero's Day*, 1918, 79 ff.). Italian inscriptions outside Rome listed in *ILRR* under 'Artes et Officia Privata' yield 36 freedmen, 16 slaves, and 12 free-born whose status can be established. Among the *magistri* of Capua freedmen and free-born are about equal in number, at Minturnae and Praeneste almost all are freedmen and slaves. In a remote town, Sena Gallica, the *magistri* of the 'incolae opificesque' are both freedmen (776). A full discussion will be found in Susan Treggiari, *Roman Freedmen during the late Republic*, 1969, 31 ff., cf. 91 ff. Duff's conclusions seem to apply to the late Republic. For Rome itself see pp. 386 f.

[2] Pliny, *NH* xviii. 36. Columella i. 8 assumed that the *vilicus* himself would normally be a slave; for slave *vilici* cf. *ILS* 3521, 3523, 3604, 3806, 4199, 7367, 7368, 7373; only a few in *ILS* are free or of uncertain status.

[3] For what follows see *Bev.* 415–18. [4] p. 412 n. 2. [5] *BC* iv. 31.

million sesterces; the sum is so monstrous and so much in excess of what was needed to pay their troops that I suspect he misconstrued a reference to 200 million sesterces in a Latin source; if he did not, we could perhaps believe that the triumvirs designed to obtain more than 200 millions from the tax on slaves. In the light of their other exactions and of the conditions then prevailing, however, we may doubt if this one tax was budgeted to yield nearly so much. (i) To say nothing of a heavy impost on 400 rich women (evidently of the Republican faction), according to Appian they levied a tax of one year's income on all citizens and resident foreigners worth more than 400,000 sesterces, i.e. of equestrian census, together with a forced loan of 2 per cent of their capital;[1] but, according to Dio, (*a*) the equivalent of a year's rent on all house-property, or half if owner-occupied; (*b*) half a year's income from land; later, he refers (*c*) to a tax on slaves and (*d*) to a new tenth of property demanded in 42, apparently with the implication that a tenth had been required in 43; his language suggests that the old *tributum* was revived in a specially severe form, and the appointment of censors was clearly connected with this.[2] It is clear that these accounts are discrepant, and perhaps all that we dare affirm is that very complicated and heavy taxes were imposed, of which both Appian and Dio give garbled versions. It is Appian who attests the tax on slaves of 100 sesterces.[3] But we cannot be sure that it was either payable or paid by all owners in respect of all slaves. For instance, were not the triumvirs themselves and their partisans exempt? Who paid on the slaves belonging to the proscribed, whose property had not all been sold? Were there data immediately available on the hordes of slaves in *ergastula*? If land as such was taxed, and the amount of land owned by each citizen might have been fairly rapidly assessed in an arbitrary way, what was the purpose of taxing the owner on the labourers as well? It would have been simpler to have collected a given sum by setting a higher value on the land, or raising the rate of the land-tax, than to charge separately for the land and the workers. In that case, the tax on slaves might have been imposed only on the domestic slaves of urban households and on slaves employed in shops and industry. (ii) The disturbed state of Italy and the long delays inevitable in obtaining returns of the number of slaves throughout Italy must have made it impossible actually to levy 100 sesterces for each slave, and the triumvirs may have put the level of the tax so high, precisely because they knew that it would not be systematically collected. But if 200 million sesterces could have been obtained from such a tax, it would not have been in excess of their needs.

Thus we cannot deduce with Beloch that the tax of 43/2 shows that the number of slaves was at most 2,000,000.

[1] Ibid. 32–4.
[2] xlvii. 14. 16 f. Censors: *MRR* ii. 358. Cf. p. 21 n. 5 on *tributum*.
[3] *RG* v. 67; a tax at half the rate was imposed in 40.

Beloch then went on to suggest that there were about 4,500,000 inhabitants in Italy (excluding Cisalpina), of whom 2,000,000 were slaves (thus implying that there were more slaves, if Cisalpina were included); about 1,000,000 were supported by overseas grain, the rest by home production. He allowed (*a*) 40 *modii* a year per person; (*b*) 30 *modii* as yield *per iugerum*; (*c*) one worker per 8 *iugera* under grain,[1] and so reached a total of 600,000 workers producing the grain needed. For wine and oil he estimated that there were some 681,000 workers. Now not all the agricultural work was done by slaves; therefore 1,500,000 slaves, many of whom were engaged in other employment or were women and children, is a reasonable estimate. To say nothing of the fact that the ultimate estimate of slave numbers is incoherent with the number included in the total of consumers, and of objections that could be put to his estimate of average yields,[2] we must pronounce these calculations to be worthless; quite different results could be obtained by raising the number of both consumers and producers. Beloch assumes that some 1,250,000 hectares were sown with corn; an equal area should probably be allowed for arable land under fallow, and that would mean that the total arable area of peninsular Italy was less than 18 per cent of the superficies;[3] if we add his estimate for land under vines and olives, only 28 per cent. It is indeed probable that he has overestimated average yields, but even so the proportion of cultivable land on his computation of population, taking 20 *modii per iugerum*, would not greatly exceed a third of the land; and this seems too small.

In my view we could put the number of slaves at about 3,000,000, out of a total population of no more than 7,500,000 (Cisalpina included). This ratio of slaves to free men is extraordinarily high.[4] Galen reckoned that the citizens of Pergamum in his day numbered 40,000, and that if you added the women and slaves, the total would be 120,000; he probably allowed 40,000 for slaves. Pergamum was a rich city, but the proportion of slaves in Italy of the first century B.C. might easily have been far higher.[5] Dionysius held that in early Rome the adult male citizens constituted a quarter of the total population, including both slaves and children.[6] He may have thought that the slaves constituted another quarter. But if he did, we must not infer that he was arguing from Italian conditions in his own day. He knew very well that early Rome was much poorer, and as he chose to treat Rome as a Greek city, he may have applied a ratio appropriate to Greek cities familiar in his experience, to a city, in fact, like Pergamum. But in Italy slaves

[1] Varro *RR* i. 18.

[2] Columella says that on medium land 5–10 *modii* were sown *per iugerum* (ii. 9. 1; xi. 2. 75) and that in most parts of Italy the return was under fourfold (iii. 3. 4), an estimate which I do not think too pessimistic; this means that after deduction of seed the return *per iugerum* ranged between 15 and 30 *modii*.

[3] *Bev.* 391 gives about 140,000 square kilometres for Italy excluding Cisalpina.

[4] See Addenda.

[5] v. 49 K.

[6] ix. 25. 2.

were more extensively employed on the great estates than in the provinces, Sicily excepted. There are also numerous references to the enormous number of domestic slaves that enhanced the prestige of aristocratic households. Naturally they do not prove that the total number of slaves was as high as suggested, but they fit the hypothesis well enough. Westermann, who quotes some of them, seeks to minimize their value, and goes much too far in the process; he is not always accurate.[1] Thus he says that 'Pedanius Secundus, *praefectus urbis* in A.D. 61 and one of the richest men in Rome, maintained four hundred slaves'.[2] These were merely the domestics *sub eodem tecto* at his house in Rome when he was killed. How many more were working on the estates that furnished him with the income to maintain this costly establishment? A freedman of the Metelli boasted in a will made in A.D. 8 that he possessed 4,116 slaves.[3] It is also significant that Augustus thought fit to impose a limit of 100 on the slaves who might be manumitted by will, while up to that limit testators might free a fifth of their slaves; it looks as if holdings of 500 or more may have been not uncommon among the rich. In the southern states of America, where slaves comprised a third of the population in 1850, only eleven persons had a holding of more than 500. Yet the younger Pliny, who regarded his fortune as modest, probably had as many,[4] and I doubt if the affluence of senators in his day was greater than in the time of Cicero or Augustus.

This hypothesis permits us to believe that the population of Italy had grown by 50 per cent since 225 B.C., though the increase was largely in the servile element. Not all the slaves were of foreign origin or descent; many were probably children of free birth exposed and brought up as slaves, and some free Italians may have sold themselves into slavery.[5] The proportion of Italian blood among the slaves is anyone's guess; I am not confident that it was inconsiderable, hence the increase suggested in the total population may not have been wholly due to immigration.

My estimate for Italian population is about 2,000,000 higher than that originally suggested by Beloch, because in accepting his interpretation of the Augustan census figures I have made a large allowance for their probable incompleteness, and because I believe that his guess about the number of slaves may be much too low. Beloch himself observed that it mattered little to his purpose whether the population was 5, 6, or 7 millions. What does matter for understanding conditions in Italy is to establish that the

[1] *The Slave Systems of Greek and Roman Antiquity*, Philadelphia, 1955, 87 ff.

[2] Tac. *Ann.* xiv. 42 f. [3] Pliny, *NH* xxxiii. 135. [cf. Brunt, *Latomus*, 1975, 619 ff.]

[4] Gaius i. 42 f.; *ILS* 2927; it is not certain that all the freedmen for whose maintenance Pliny made testamentary provision were manumitted at his death, but most probably were. R. Duncan-Jones, *PBSR* xxxiii, 1965, 177 ff., argues that Pliny's estates were worth 17,000,000 sesterces; he also had houses, slaves, and cash lent at interest, but he was not one of the richest men of the early empire.

[5] Brunt, *JRS* xlviii, 1958, 167 f.

population was of this order rather than twice as large or more. However, Beloch's interpretation of the Augustan census figures itself becomes more credible, once it is recognized that we are not thereby committed to the lowest of his estimates.

Beloch allowed a density of population, with 5½–7 million inhabitants, of 22–28 persons per square kilometre, and pointed out that in 1881 the density of population in Sardinia (a country noted in the Republic as populous and fertile in grain) was only 28;[1] it is perhaps helpful if the ancient density is put at or slightly above this figure. Beloch's calculations of consumption and production of grain can also be modified in a more plausible sense. If we allow that only Rome and perhaps some coastal towns, e.g. Puteoli, imported grain and that 6 million people depended on home production, and assume that each consumed 40 *modii* a year, a total of 240 million *modii*, and that the average yield *per iugerum* was 20 *modii*, of which five were required for seed, the area sown would have been 16 million *iugera*, to which we might add as much under fallow, a total of 32 million *iugera*, with land under vines, olives, other fruit trees, and vegetables, the cultivable area might easily have been over 40 millions, about 40 per cent of the superficies of Italy, as against about 55 per cent in the late nineteenth century.[2] In this calculation Cisalpina is included, and we may believe with Beloch (though proof is not available) that this area was less developed as yet than the rest of the country (Chapter XIII, sections (ii) and (iv)).

Again Beloch counted 434 towns in Italy.[3] If the free population is reckoned at about 4 millions, or without that of Rome, at about 3·4, the average number of inhabitants per town was about 7,800, and of adult males (using the ratio 35 : 100) 2,630. This is certainly more plausible than a lower figure. It had been common in the middle Republic to send 3,000–4,000 settlers to new colonies. Augustus sent 3,000 to Aosta, and the 40 colonies founded in Italy between 41 and his death may have comprised 120,000 or more colonists.[4] As they lived side by side with older residents, these towns must on an average had been much larger than our putative average of 2,630; but Augustus himself describes them as 'celeberrimae': they were exceptionally populous. In the Principate Spoletium had 6,000–7,000 adult male citizens and therefore a total free population of about 20,000. The inscription which records this is later than Augustus, but Spoletium may well have been as well inhabited in and before his day; for Cicero it was 'colonia in primis firma et illustris', and though hardly one of the largest communes, may have much exceeded most in size. In 1936 modern Spoleto had only 32,000 inhabitants in its commune. Under Pius Petelia in Bruttium had some 1,500 adults, male and female; children might

[1] *Bev.* 442. Polyb. i. 79. 6 refers to its πολυανθρωπία.
[2] *Bev.* 439; 13·3 per cent unproductive, 20 per cent pasture, 12·5 per cent woods.
[3] *IB*, ch. 1.
[4] See p. 342.

have brought up the total to 2,000, and slaves to nearly 3,000. Its population, not significantly larger than in the Hannibalic war (p. 50), may have remained fairly constant for nearly four centuries, but if Kahrstedt's picture of south Italy is right (Chapter XX), it may have increased in the Principate; we cannot tell. The population in 1936 was three times as great as the number of free inhabitants under Pius. It may be argued that if the ratio of modern to ancient population was the same everywhere as in either imperial Petelia or Spoletium, my estimates for antiquity must be far too low. But clearly we cannot generalize from two instances. There have been great shifts in the distribution of settlement, as a result of industrialization and of agricultural changes; some lands have been impoverished by erosion, others cleared and drained to support a dense population. Moreover, Petelia was on my computations not only a smaller place than the average Italian town but larger than most of the surviving towns in its own region; Strabo regarded it as 'adequately peopled' in contra-distinction to most southern towns,[1] for instance Rudiae, which under Hadrian seems to have had no more than 500 adult males.[2] Now 104 of the towns in Beloch's catalogue belong to the southern region II and III. The adult population of these towns, almost a quarter of all in Italy, may have been under 100,000. In other regions too there were many tiny communes.[3] None the less, it is comfortable to set the average higher, to cover cities that greatly exceeded it.[4] At one time Beloch estimated that in Augustus' day there were no more than 300,000 inhabitants (he evidently excluded slaves) in the 16 towns of Campania of which Capua and Puteoli were admittedly large, and Neapolis, Nola, Nuceria, and Pompeii sizeable.[5] But this estimate must be too low, like Beloch's total estimate of Italian population.

When Beloch reconsidered the population of ancient Italy in 1904, he allowed that as the census figures were probably incomplete and that as in particular not all children are likely to have been registered, it may have amounted to over 7 millions. He was then assailing Nissen's view that it

[1] Spoletium, *ILS* 6638; Cic. *Balb.* 48. Petelia, *ILS* 6468; Strabo vi. 1. 3; it had about 2,000 citizens in 215, p. 50. See Beloch, *Bev.* 441; R. Duncan-Jones, *Historia* xiii, 1964, 199 ff. (I do not agree that so small a place as Petelia will have had 100 decurions and nearly as many Augustales.) [*See p. 718 n. 3*]

[2] *ILS* 6472 (Hadrianic), cf. Beloch, loc. cit.

[3] e.g., Ferentinum; Beloch, loc. cit., estimates adult males here at about 2,000 from *ILS* 6271 (second century?) yet Strabo v. 3. 9 classes it among 'cities of note'. Cf. also Strabo v. 3. 1 and 4. 2 on the smallness of Sabine and Abruzzi communes.

[4] e.g. Ariminum, cf. Duncan-Jones (*n.* 1 above), 204 f. But cf. Beloch, *Bev.* 438 f.; for the next paragraph, *Klio* iii. 471 ff. Frank, *Cl. Phil.* xix. 340 cites Beloch, *Gr. Gesch.* iii². 1285 against him. Beloch's better established estimates of later Italian population make a more illuminating comparison; for Italy without the islands he gives 10,338,000 *c.* 1550, 9,842,000 *c.* 1650; even *c.* 1750 he allows only 13,481,000, still under Frank's guess for the number of all inhabitants under Augustus (*ESAR* v. 1), see *Bevölkerungsgesch. Italiens* iii. 354 f., published in 1961, though written forty years earlier; C. M. Cipolla, *PH* 571 ff., gives rather similar figures, and allows for a ± error of 15 per cent.

[5] *Campanien*², 1890, 454 ff.

was of the order of 16 millions under Augustus; Frank's estimate is 14 millions. He estimated that at the end of the sixteenth century Italy, then the most prosperous country in the world, had only 11½ million inhabitants, more than half in ancient Cisalpina, though at that time there were more large towns than in antiquity, more indeed approaching the size of imperial Rome; Nissen's figure actually exceeded the population of Italy *c.* 1800, when it was the most densely settled country in Europe. Frank rejoined that Beloch's estimate for Augustan Italy did not allow it as high a density as he himself assumed for many parts of classical Greece. However, it might be easier to impugn Beloch's figures for Greece, which are largely sheer guesswork, than those for Italy. Comparisons of this kind do not take us far, though Beloch's intimate knowledge of the demography of Italy down to modern times should compel us to pay some respect to his judgement of probabilities.

It is a strong objection to putting the population of Italy at *c.* 14 millions that much potentially fertile land (especially in the north) was still forested or undrained, and that many regions which had been settled for centuries are described by Roman writers as deserted. No doubt these descriptions are exaggerated in some degree. If the allegedly deserted parts of the peninsula were often sheep-walks, many were the seats of luxury villas and of cultivated *latifundia*. They were empty of free labourers, not of men.[1] The hypothesis that slaves numbered up to 3 millions enables us to account at once for complaints of the 'solitudo Italiae' and for the laudations of Italian productivity. From the social point of view Romans might at times lament the absence of a thriving free population, from the economic they were sure that slave-labour contributed to a country's prosperity. For the elder Pliny, who deplored the growth of *latifundia* worked by slaves without hope, Italy was pre-eminent 'viris feminis, ducibus militibus, *servitiis* . . .' and Spain next 'laborum excitatione, *servorum exercitio* . . .'[2] Varro described Italy as 'arboribus consita ut tota pomarium videatur',[3] we have to remember that its famous vineyards and olive-groves were often cultivated by slaves.

Of course Varro's language is no less exaggerated than the laments that others uttered on 'Italiae solitudinem'. A land of which 45 per cent was uncultivated in the late nineteenth century (p. 126 n. 2) cannot have been everywhere planted like an orchard in the first century B.C. The *laudes Italiae* of other writers prove, if proof were needed, that his words cannot be taken as the literal truth. Italy was praised not only for the fertility of its soil and its temperate climate but for its rivers, lakes, forests, minerals, pastures (e.g. on marsh-lands), and game. No doubt the country was richer, then as now, than other Mediterranean lands. The great extent of grazing

[1] Cic. *leg. agr.* ii. 84: 'agros desertos a plebe atque a cultura hominum *liberorum*'; *Att.* i. 19. 4: 'solitudinem Italiae'; see Chapter XX, *passim*.

[2] *NH* xviii. 36; xxxvii. 201, 203.

[3] *RR* i. 2. 6.

lands and forests receives as much emphasis as the production of cereals and fruits.[1] In considering the cultivated land we should do wrong to press Varro's encomium as evidence that orchards had displaced grain, since he himself dilates on the incomparable quality of cereals grown in the peninsula, and, a few years later, Dionysius held that Italy was fertile in every product that men needed and more self-sufficient than any other country; the complaint of the emperor Tiberius that Italy, and not merely Rome, depended on imports[2] cannot have been justified in normal years, if only because the high costs of inland transport must have prohibited the movement of foreign grain for any considerable distance from the ports.[3] There is in my view abundant evidence (which it would not be apposite to give here) that cereals remained important in the production of every region and virtually every large estate, and the supposition that most cultivable land was under grain or fallow (*supra*) can be fully justified. On the other hand, just because grain had to be raised on land that was not well suited to it, or that could not be adequately manured, yields were low, and a contemporary of Varro could advance the view that the soil was exhausted by age.[4] The encomia on Italy bear little relation to the harsh realities, as little as Virgil's idyllic picture of the pleasures of the rural life to the grinding poverty in which most of the free peasants or agricultural labourers must have lived, to say nothing of the misery of the slave chain-gangs whose existence he ignores. It was, for instance, false to ascribe mineral wealth to the country, and the economic value of the rivers south of Cisalpina, so often torrential in winter and dried up in summer, was mostly slight.

Certainly, the encomia cannot be taken as proof that Italy was so prosperous that it must also have been densely populated. That is indeed the natural inference from Virgil's panegyric on the 'magna parens frugum, Saturnia tellus, magna virum' and of what he says of the mustering of the Italians against Aeneas:

> quibus Itala *iam tum*
> floruerit terra alma viris, quibus arserit armis.[5]

Virgil seems to mean that the Italians had been numerous in the remote past, as they still were. By contrast, the elder Pliny cited as proof of Italy's resources in manpower not imperial census returns but the levy of 225,

[1] Varro, *RR* i. 2. 6 f. and *ap.* Macrob. iii. 16. 12; Virg. *Georg.* ii. 136 ff.; Dion. Hal. i. 36 f.; Strabo vi. 4. 1, cf. v. 3. 1; Pliny, *NH* iii. 39–41; xxxvii. 201 f. All refer, at least in general terms, to grain; Strabo v. 2. 10 notes it as a peculiarity of Umbria that it produced emmer rather than wheat. Geffcken, *Hermes* xxvii, 381 ff., traces the *laudes* mainly to Polybius and Varro.

[2] Tac. *Ann.* iii. 54. 4.

[3] The data in A. H. M. Jones, *Later Roman Empire* ii, 1964, 841 ff., are relevant for all antiquity.

[4] Colum. ii. 1, cf. i *pr.*, 1 f., 3. 10; iii. 3. 4; Pliny, *NH* xvii. 40.

[5] *Georg.* ii. 173 f.; *Aen.* vii. 643 f.

falsely supposing that every man who appeared in the return of that year was actually in arms, or looked back to a fabled past when Picenum, '*quondam* uberrimae multitudinis', had 360,000 inhabitants;[1] for the time of Augustus he reports 'penuria iuventutis', while Diodorus thought Italian population far inferior to that of a single people of Asia; he may be implying that Italy could no longer furnish so many soldiers as in 225.[2] Livy thought it would be hard to raise 45,000 men in his day.[3]

The 'penuria iuventutis' became manifest in the crisis of A.D. 6.[4] Three years later, Augustus was unable to replace the three legions lost under Varus. It is obvious that even on the estimates of Roman numbers adopted here it cannot have been truly impossible to raise many more legions. Between 49 and 30 upwards of 150,000 Italians were regularly serving in the army, and there had been no sudden and catastrophic decline. In the civil wars conscription had been used on a large scale, and Augustus is known to have resorted to it in A.D. 6 and 9. However, seeing that there were perhaps no more than 100,000 Italians in the army in this crisis, he could easily have obtained the recruits he needed, had he not scrupled to employ it with the old systematic ruthlessness. Italian manpower had been bled white in the great wars which he claimed to have ended, and he evidently did not dare to alienate public opinion by reviving the miseries of extensive conscription; Tiberius was to abandon it altogether within Italy (p. 414). All this is easy to understand if the number of adult male citizens in Italy was at most about 1,500,000, but more or less unintelligible if it was about 4,000,000.

Study of the census figures may not seem so arid, if we imagine in human terms the effect of at times compelling one man in eight to serve in the army for long years, especially when the burden was concentrated among the Italian 'agrestes'. This was the burden that Augustus reduced and Tiberius finally lifted; for it was under Tiberius that the levy in Italy fell into disuse, once the programme of foreign expansion had been given up. The *Pax Augusta* really began in A.D. 17. But it was made inevitable by the exhaustion of Italian manpower. The exhaustion was not strictly numerical, but moral. Italy could still have mobilized great armies. But too many Italians had been fighting for too long; *il faut en finir*. In all the literature of the time the words most characteristic of the new spirit of the age were not any of those famous commemorations of Rome's imperial mission and martial glories, but Propertius' 'nullus de nostro sanguine miles erit.'[5]

[1] *NH* iii. 138, 110. [2] ii. 5. [3] vii. 25. 8.
[4] Pliny, *NH* vii. 149. [5] ii. 7. 14.

XI

REPRODUCTIVITY IN ANCIENT ITALY

ON the hypothesis advanced in the last chapter the total population of Italy may have grown between 225 B.C. and the time of Augustus from about 5 million to about 7 million; the last figure is highly conjectural; it is much more certain that the free population was no higher, and probably rather lower, than in 225. In the middle of the sixteenth century, when Italy was one of the most densely peopled countries of Europe, the population has been reckoned at 10,338,000 (exclusive of the islands).[1]

The growth of population suggested is fully accounted for by the accretion of slaves. Of these some were themselves of Italian stock, captured in the Hannibalic, Gallic, Ligurian,[2] and even the Social and civil wars,[3] victims of brigandage and kidnapping, foundlings, probably men who sold themselves into slavery or had been sold in infancy.[4] Others, though of foreign parentage, had been born and bred in Italy. It is generally held that most were made, not born, and made outside the peninsula.[5] Too little allowance is perhaps given on this view both to the enslavement of Italians and to slave-breeding, but there can be no doubt that a very high proportion of slaves was born overseas. Many free-born citizens were themselves of servile descent, and it would therefore seem that the old Italian stocks had dwindled, even if the free population had not actually declined.

It is quite probable that the resources of the country and the volume of imported supplies that could be obtained would not have supported a larger population. In that case, we may say that there were so few free men just because there were so many slaves. But we need to consider by what mechanism, as it were, the increase or replacement of the free population was prevented. In modern Europe and more recently in most parts of the world we have become familiar with a steady or 'explosive' increase in population, though in certain advanced countries a sharp decline in the

[1] p. 127 n. 4.

[2] Livy xxiii. 37. 13 (Hirpini); xlii. 8 (Statielli; they were ultimately freed, on the ground that 'dediti in fidem p. R.' should not have been enslaved; but we can assume that it was the normal practice to sell war prisoners made in north Italy).

[3] See p. 292. Probably P. Valerius Cato was wrongfully enslaved and stripped of his patrimony (Suet. *Gramm.* 11).

[4] Brunt, *JRS* xlviii, 1958, 167. Note the citation of Q. Mucius in *Dig.* xl. 12. 23 *pr.*, see A. Watson, *Law of Persons in the Later Roman Republic*, 1967, 166 ff., cf. 165 on enslavement of Latins. The sale of a free child, invalid in law, might be effective in practice.

[5] For reservations see Brunt, op. cit. 166.

birth-rate has at times reduced growth almost to nil, despite the fall in mortality that improvements in medicine and hygiene have brought about. In medieval and early modern times cyclical developments have been detected; long periods of growth have been terminated by the Malthusian checks of war, famine, and plague,[1] sometimes by exceptional catastrophes like the Black Death, to which there is no parallel in our period. No unvarying law of nature directs demographic trends, and we must try to see, with such modern analogies as may be helpful, what factors might explain the gradual diminution of the free Italian population in the two centuries under review, or, at best, its stagnation.

(i) *Expectation of Life*

Several scholars have sought to determine the expectation of life and the probable age-structure in the Roman empire from inscriptions or papyri recording age at death. The quantity of this evidence is not small, and prima facie it may seem that valid statistics can be produced, at any rate for the first three centuries of this era. Mortality in that period was not indeed necessarily the same as in Republican Italy; wars probably did less to raise the death-rate, while on the other hand there were no precedents in Republican Italy for the pestilences which desolated the empire in the middle of the second and third centuries A.D. But whether or not reliable statistics for the Principate could be safely applied to the Republic, it now appears from a study by K. Hopkins that even for the Principate the conclusions based on our epigraphic evidence concerning the expectation of life are fallacious.[2]

(i) Because of the cost of setting up inscriptions,[3] and of the paucity of inscriptions in rural areas, the epitaphs over-represent people of means, including well-to-do slaves, and under-represent the rural inhabitants, who must have formed the majority of the population of every country.

(ii) The pattern of ages at death is 'mostly demographically impossible and always highly improbable'. (*a*) Deaths of infants (under one year) are seriously under-represented. (*b*) The large percentage of late deaths in Africa (7 per cent over 90) is incredible and distorts the median as well as the average length of life in the statistics. (*c*) Regional discrepancies are unbelievably large: 50 per cent of males surviving to the age of 15 die at

[1] The classic case is the famine of the 1840s in modern Ireland: census figures for 1821, 1841, 1851—6,802,000, 8,175,000, 6,552,000: emigration, celibacy, and late marriage further reduced the population by 1951 to 4,459,000. J. C. Russell, *Brit. Med. Population*, 1948, ch. X, estimates the population of England and Wales as 1,100,000 under William I, 3,700,000 in 1348, and 3,200,000 in 1545.

[2] *PS* XX, 1966, 245 ff., citing earlier works. The conclusions emerging from H. Nordberg, *Biometrical Notes*, *Acta Instituti Romani Finlandiae*, 1963 (see review by A. R. Burn, *JRS* lv, 1965, 253 ff.), which he did not use, do not escape his scepticism. No valid conclusions can be drawn from *Dig.* XXXV. 2. 68 (Ulp.), cf. M. Greenwood, *Journ. Roy. Statistical Soc.* 1940, 246 ff. [But see p. 719]

[3] R. Duncan-Jones, *PBSR* XXX, 1962, 90 f.; XXXIII, 1965, 199.

Rome by the age of 29, in Spain by that of 39, in Africa by that of 51. They can only be accounted for by regional differences in the practice of commemoration; for instance, in some places ages at death may only or mainly have been recorded by persons of a higher social scale, who would be likely to have had a higher average length of life.

(iii) Comparison with U.N. model life-tables for countries with a high mortality, such as we expect to find and such as the statistics are held to demonstrate, proves their internal incoherence; the death-rates are too high between the ages of 5 and 25. Hopkins has shown that this can be explained by a bias in habits of commemoration. Of the gravestones used for the statistics about 3 in 5 were put up by relatives. Parents were more apt to record the ages of deceased children than children to record those of deceased parents or spouses those of their partners. Parents commemorate sons more often than daughters (149: 100); this need not be the result of the frequency of female infanticide (section vi), nor of the higher value set on sons, but of the fact that daughters married earlier than sons, and that it was the role of husbands to commemorate their deaths. In fact, on gravestones erected by spouses, wives preponderate over husbands at the rate of 100:63; Hopkins points out that as husbands were more prone than wives to commemorate deceased spouses, and as they were typically nine years older, 'wives who died young had a greater chance of being commemorated'. Hence A. R. Burn's thesis, backed by modern analogies and enticing explanations, that women died on average younger than men, turns out to be based on fallacious evidence;[1] it could still be true, but one must remember the warning of D. V. Glass that 'it is easy to explain an event which did not really happen'.[2] Hopkins notes that statistics compiled from nineteenth-century gravestones in France turn out to be misleading in similar ways, when collated with those based on official records.

We must then regretfully conclude that the inscriptions on which scholars have laboured so pertinaciously can never furnish us with valid statistics on the expectation of life. We can only assume with Hopkins that it must have been comparable to that found in other pre-industrial societies unaffected by modern advances in medicine and hygiene. In his view it must then have been below 30 with infant mortality above 200 per 1,000, but over 20, as to judge from modern statistics the population would not otherwise have replaced itself. In my judgement the free population of Republican Italy did fail to reproduce itself, and his lower limit *need* not stand.

(ii) *Mortality*

Various special factors could have raised the death-rate to abnormally high levels.[3]

[1] *Past and Present* iv, 1953, 12 ff. [2] *PH* 239 n. 45.

[3] F. Münzer, *Röm. Adelsparteien u. Adelsfamilien*, 106 ff., has some material on Roman mortality (as on other matters considered in this chapter), e.g. that L. Crassus who died

(*a*) *Urbanization*. By the time of Augustus a tenth or more of the people of Italy were crowded into the city of Rome where they lived in appalling conditions (Chapter XXI). The larger modern towns of sixteenth- and seventeenth-century Europe have been described as 'a drain on the human resources of the country'; until the nineteenth century the urban death-rate was always exceptionally high.[1] This was even true of small pre-industrial towns, in Ireland for instance, where in 1831–41 the average age of death for males was 29·6 in the country and 24·1 in the towns, for females 28·9 and 24·3;[2] in Sweden mortality was higher even in towns with under 1,000 inhabitants.[3] In ancient Italy men tended to congregate in towns, even when they worked in the fields (p. 345 *n.* 1).

(*b*) *Wars*. In the early modern period (as in more recent times) mortality in wars seems in general to have had no permanent effect on demographic trends; indeed any sharp increase in mortality, whether due to war, famine, or disease, tends to be followed by a higher birth-rate, resulting from deferred marriages and the greater prosperity of the survivors; wars in particular commonly carry off fathers of families and enable sons to inherit, marry, and procreate earlier than they could have done otherwise.[4] But there are no exact analogies to Roman conditions. The wars of the early modern period were generally fought by small professional armies, whereas in most years after 218 a significantly large proportion of free Italians was under arms, comparable more nearly to the huge levies of men in the twentieth century but without the benefits of modern medical improvements. Casualties in battles were sometimes high, yet these probably constituted much the smaller part of the mortality sustained. Between 1838 and 1854, a period in which British forces were engaged in only minor operations, the death-rate among soldiers and sailors was twice that of civilians, and it has been estimated that between 1793 and 1815 it may well have been four times as high.[5] Herded together in barracks and camps or on shipboard

in 91 at the age of 48 was 'senex' (Cic. *de orat.* ii. 15)—Sall. *Or. Cottae* 2 and Marcus Aurelius, *Med.* iii. 5 offer parallels—and that Cornelia bore 12 children to Ti. Gracchus of whom only 3 survived infancy; but this is an instance of the high infant mortality we must assume from modern statistical evidence and cannot infer from the few ancient instances of which we happen to know.

[1] Helleiner 83 ff., cf. *PH* 277 (H. J. Habakkuk on London); 443 (L. Henry on Paris); 530 (G. Utterström on Stockholm); B. Hammond, *Ec. Hist. Rev.* 1929, 426 ff. on English towns *c.* 1800. [2] K. H. Connell, *Population of Ireland*, 1950, 191.

[3] E. F. Heckscher, *Ec. Hist. Rev.* 1949, 268 ff.

[4] See, e.g., *PH* 271 ff. (Habakkuk); 557 (E. Juttikala) on general interaction of death and birth rates. On short-lived effect of mortality of wars ibid. 54 f. (D. E. C. Eversley); 80 (Helleiner); 463 f. (P. Goubert); 507 (J. Meuvret). Helleiner admits the Great Northern war in the early eighteenth century as a possible exception (20 per cent of the Finns died in action, Juttikala, ibid. 556), and Meuvret stresses that before 1793 large numbers of men were not mobilized. For 15 per cent decline of population in China 1850–1950 due to wars, *cf.* Clark 72 f.

[5] J. T. Krause, *Ec. Hist. Rev.* 1958/9, 57; M. Greenwood, *Journ. Roy. Statist. Soc.* cv, 1942, 1 ff.; Clark 119, 121 f.

men were particularly exposed to the ravages of epidemics, to say nothing of hardships incurred on campaigns. Evidence is given in Appendix 27 of the wastage in legions, even in those which had little serious fighting to do. Only three in five of Augustus' soldiers lived to be discharged (p. 339).

(*c*) *Undernourishment*. In the ancient world famine was never far away. Most districts aimed at self-sufficiency; they had no choice. The slowness and cost of transport made it impossible to bring essential supplies from a great distance, and a neighbouring region, subject to the same climatic conditions, was not likely to have an exportable surplus to meet a local dearth. Barley, millet, panic, turnips, navews, rye, and lupins were sown as prophylactics, not merely for fodder or variety of diet, but as staple foods in the event of a shortage of wheat, a crop more likely to fail, though there is some evidence that mostly they were not relished.[1] Rome itself, which alone could afford to import great quantities of food at the cost of the provincials, was not immune from famine even under Augustus.[2] It is no accident that famine and disease were often associated.[3] As in more modern times, epidemics spread most fatally among the undernourished.[4] But when food was short, prices rose and the poor suffered most. It was only at Rome that there were regular doles of cheap or free corn. Elsewhere there were no charitable institutions nor any poor relief of the kind Church or public authorities have provided in later days. It was not considered by the Greeks and Romans that the rich had any special moral obligation to the poor.[5] Now of course these conditions were not peculiar to Republican Italy in contrast to other classical lands. But it was above all in Italy and

[1] Colum. ii. 9. 14–10. 3, 10. 22; Pliny, *NH* xviii. 74, 127, 141, cf. p. 178. For barley see also J. André, *L'Alimentation et la cuisine à Rome*, 1961, 52; for turnips ibid. 1; prized as a relish and thought nourishing, they can hardly have been welcome as a staple food.

[2] *RG* 5. 2, cf. Dio liv. 1; lv. 22. 3, 26, 27. 1 and 3, 31. 4. L. Friedländer, *Sittenq. Roms* i⁹. 26 ff. gives some evidence for the Principate. For local famines in Italy see, e.g., *ILS* 1118; *CIL* xi. 377. Evidence for municipal regulation of corn-prices and of distributions in Liebenam, 109 ff. comes mainly from the east. Transport costs, p. 129 n. 3. So far as I know, the evidence on ancient famines has never been collected. I find no article in Daremberg–Saglio, Pauly–Wissowa, or Ruggiero on a phenomenon which must have been of painful frequency. See Addenda.

[3] Hes. *Works and Days* 243; Hdt. vii. 171; Livy ii. 34; iii. 31. 1 with 32. 2; v. 31. 5; Obsequens 13, 22, 30. Epidemics preventing cultivation are given as the cause of famine in Dion. Hal. x. 53 f. (= Livy iii. 31–2); Livy iv. 25. 4, 52. 4 ('ut plerumque fit'); vi. 21. 1; Dio liv. 1, cf. Lucret. vi. 1259 for desertion of the fields. One would think that more often epidemics spread in and because of shortages, as in the Hannibalic war (Livy xxvii. 23), the Marian siege of Rome in 86 (Vell. ii. 21 and Oros. v. 19. 18 with App. *BC* i. 69) or Caesar's siege of *Massilia* (*BC* ii. 22. 1). Note Lucret. vi. 1254 f.:

> penitusque cava contrusa iacebant
> corpora *paupertate et morbo* dedita morti.

[4] *PH* 55 (Eversley); 510–19 (Meuvret, who remarks that in shortages men die of eating bad food; for an instance, Caes. *BC* ii. 22. 1).

[5] H. Bolkestein, *Wohltätigkeit u. Armenpflege im vorchristlichen Altertum*, 1939, *passim*, cf. Liebenam 104 f. (The lack of hospitals in pagan antiquity will hardly have increased mortality; until the later nineteenth century they were death-traps.)

Sicily, so far as we know, that slaves replaced free workers (including peasant owners and tenants) to a large extent on the land. It is, therefore, probable that impoverishment in Italy was more widespread and more grinding than it was generally in antiquity, and that directly or indirectly undernourishment took a heavier toll in Italy than elsewhere.

It must indeed be conceded that though we hear from time to time of epidemics, none appears to have been of catastrophic proportions. Smallpox was not known. The ill effects of malaria have probably been exaggerated (Appendix 18). There was no equivalent to those great outbreaks of bubonic plague that sometimes carried off in a year or two a third or more of the population of whole cities or regions in medieval and early modern Europe. K. F. Helleiner has suggested that the secular upward swing of population since the seventeenth century, which began before any significant progress had been made in medicine or hygiene, was simply due to the fact that for reasons we do not yet know dearths and epidemics ceased to be catastrophic; hence more boys and girls lived to the reproductive age, and the birth-rate rose.[1] If the Italians of the late Republic did not suffer any demographic catastrophe, they also did not benefit from a remission of such fatalities. There was no sharp decline and no sudden upswing, only the gradual attrition of war, hunger, and endemic diseases. See Addenda.

But is this enough to account for the diminution of the old Italian population? One might doubt if the mortality in our period was significantly greater than in the time beyond our ken when Italy was first settled and gradually peopled to the level we can determine for the year 225. In the fifth and fourth centuries, for instance, famines must have been just as frequent as later (certainly they often recur in the annals of early Rome, which may on such matters be based on old records), and the peninsula was rent by incessant internecine wars. If population had been growing up to 225 or some rather earlier date (and that must be conceded), and if mortality was then just as high, we shall have to explain the transition to decline by a fall in fertility.

(iii) *Nuptiality*

If we leave out of account illegitimate births, which are unlikely to have much affected the numbers of the free population (*infra*), the birth-rate depends primarily on the proportion of women who marry while reproductive, and to some extent on the average age at which they marry. The effect of a high marriage age for women on fertility can be marked, as in modern Ireland.[2] At Crulai in 1674 to 1742 the mean number of children per complete family was approximately 8, 6, and 4 for women who married at 20, 25, and 30 respectively.[3] In western Europe from the early modern

[1] Helleiner 68 ff.
[2] Clark 21, cf. *PH* 40 (Eversley); 152 ff. (Habakkuk).
[3] *PH* 450 (Henry).

period down to quite recent times the mean age of marriage for women has been remarkably high, varying between 24 and 30 in different times and places.[1] If the Romans practised such late marriages, the effect on fertility would have been significant.

The orthodox view is that they did not: on the contrary, women married astonishingly early.[2] The presumed age of puberty was 13 and the minimum legal age of marriage 12; some married still younger, and it would seem that the unions were consummated before menarche. Epigraphic evidence shows that the largest number of first marriages were contracted by pagan girls between the ages of 12 and 15, and bears out the deductions that might be made from the more meagre literary testimony. Under Augustus' marriage legislation women had a duty to marry after they were 20. By contrast, the time appointed for men was 25, and inscriptions show that they were on average some 9 years older than their wives.

However, all this evidence relates to the upper and middle social strata. Apart from freedmen, they alone were affected by the Augustan marriage laws. Literary testimony concerns the aristocracy, apart from statements made by medical writers; and even doctors, who themselves often grew rich, must have mainly or exclusively attended the well-to-do. Inscriptions were only put up by persons with some money. Can we be sure that the poor married so early (when they married at all)?

It has been argued that they did, on the ground that in the alimentary foundations of the second century A.D. poor girls were supported only until they were 13 or 14, boys until they were 18.[3] These age differentials cannot have been fixed by reference to the capacity of the children to contribute to the earnings or subsistence of the family; boys could certainly contribute as early as girls, and long before they were 18. It seems then to have been expected by the founders that the girls would marry at 13 or 14 and that their upkeep would cease to be a charge on the parents. But it may be that the expectation was unrealistic, and based on the founders' presumption that the social habits of the poor corresponded to their own. In default of other evidence we cannot prove that this was not the case, but we may ask whether it is probable.

Plutarch explains the early marriages of Roman girls by the desire of Romans that the bodies and dispositions of their brides should be pure and undefiled,[4] while the medical writer, Soranus,[5] and Macrobius[6] ascribe them to the 'hot desires' of the brides. Economic or social explanations may

[1] J. Hajnal, *PH* 101 ff.

[2] Here I summarize K. Hopkins, *PS*, 1965, 309 ff. The presumed age of puberty for girls is that given by medical writers; for boys it was taken to be 14, coinciding with their legal age for marriage.

[3] Hopkins, op. cit., citing *Dig.* xxxiv. 1. 14. 1; *CIL* xi. 1602; *ILS* 6278, 6818.

[4] *Comp. Lyc. et Num.* 4; *Mor.* 138 B.

[5] *Gynaecia* i. 25, 33. 4.

[6] *Sat.* vii. 7. 6; *in Somn. Scip.* i. 6. 71.

seem more plausible. Plainly child marriages were not unions of romantic love. They were arranged for motives of power and profit, to cement a political alliance or bring a valuable dowry. I would conjecture that women were married so young because, with the prevalence of female infanticide (section vi), they were in short supply; prospective husbands sought to pre-empt brides. No doubt, if female infanticide was common at all, it might have been even more extensively practised by the poor than by their betters, but that did not mean that they had the same reasons to take very young wives. They were not concerned with political factions, and they had no dowries to give or receive. The poor man, moreover, needed a helpmeet, to keep his house, to cook, clean, mend, and perhaps to share in the cultivation of his fields. He should therefore have looked for a fully grown, physically active woman, unlike the wealthy Roman who depended on slaves for labour. These considerations make me doubt whether the evidence we possess for the mean age of women at marriage has any validity for the mass of the population. However, women would fulfil the qualifications mentioned by the age of 20 when their reproductive powers would still have been at their peak.[1]

The men may have had to postpone marriage for various reasons. First, continuous campaigns kept them from their homes for years, and incidentally if they were already married, denied their wives the opportunity to bear legitimate children. However, before 200 most fighting was in Italy, and the soldiers could come home on leave. Even thereafter, 6 years abroad was probably the normal maximum (pp. 400 f.), and if a man was enlisted at 18, he could return and marry at 24, the mean age revealed by epigraphic statistics. Still some soldiers settled overseas, took native women as their wives, and procreated children who were not either citizens of Rome or residents in Italy. And modern statistics show that the birth-rate falls in time of war, for instance in all belligerent countries in 1914–18 (by a third in Belgium, a fifth in the United Kingdom, and so on), though it picks up when peace is restored, and the soldiers are demobilized.[2] In Republican Italy there may have been no corresponding recovery, since so large a proportion of its free men were under arms year by year.

In the second place economic necessity may compel the postponement of marriage. In modern times men who subsist by the labour of their hands have been more apt than the upper and middle classes to marry early, as their earning power is at its highest when they are relatively young; moreover, at one time child labour was an asset to the poor household. For child labour in ancient Italy there is curiously little evidence,[3] but the very name

[1] The number of live births per year of marriage may be slightly higher for women married at 20–4 than for women married at 15–19, cf. Clark 9.

[2] R. R. Kuczynski, *Measurement of Population Growth*, 1935, 104 f.

[3] Brunt, *JRS* 1958, 166; add Col. ii. 2. 13, iv. 27. 6.

proletarii betokens that the poor were expected to produce children. However, there must be a level below which a man cannot afford to take a wife. 'A marriage almost by definition requires the establishment of an economic basis for the life of the couple and their children.' According to a saying in the Talmud 'a man should first build a house, then plant a vineyard and after that marry'.[1] In medieval England a villager could wed after he acquired land, not before.[2] The average age for marriage was lower in eighteenth-century Finland than in most parts of Europe, and lower too in the United States, because in Finland and in the United States there was surplus land that could be brought under cultivation.[3] Similarly in the early nineteenth century the spread of the potato promoted early marriages in Ireland, because it had become possible as a result to support a family on a smaller holding.[4] A pretty strict correlation between the size of land holdings and early marriages or high fertility has been traced in Polish villages of the nineteenth and early twentieth centuries, and similar evidence has been adduced from modern China, the Punjab, Japan, and the Philippines.[5] It can hardly be doubted that in ancient Italy too the small peasant must usually have deferred marriage until he had succeeded to the enjoyment of a farm, whether owned or rented. But since the expectation of life was low, he may not have had to wait very long.

What then of the craftsman or landless labourer? In Britain between 1856 and 1932 there was a constant correlation between the marriage-rate and the index of real wages.[6] In eighteenth-century Scandinavia, for which we have fairly reliable statistics, marriages and births fall in years of bad harvests and high prices.[7] The Danish census of 1787 showed that small masters and other persons of independent means were more prone to marry under 30 than journeymen and apprentices.[8] A Russian economist published evidence in 1911 that 'among industrial workers (at St. Petersburg) earning on an average 472 roubles a year, 90 per cent of those earning below 400 roubles lived alone, and only those earning over 600 roubles tended to have families with children'.[9] Once again, I think we may apply these analogies to ancient Italy and conclude that craftsmen and landless labourers were unlikely to marry if they had little prospect of being able to provide for a

[1] Hajnal, *PH* 132, 123.

[2] E. C. Homans, *English Villages of the Thirteenth Century*, 1940, 158, but cf. Hajnal, *PH* 124.

[3] Heckscher, op. cit. (p. 134 n. 3) 278, cf. Habakkuk, *PH* 275; Utterström, *PH* 528 f.; J. Potter, *PH* 631 ff.

[4] Connell (p. 134 n. 2), who remarks that fertility was promoted by high death-rates; the earlier a father died, the sooner a son would inherit and marry (p. 240).

[5] Clark, ch. VI.

[6] D. V. Glass, *Political Arithmetic*, ed. L. Hogben, 1938, 266. Cf. Clark 91 for population decline in eighteenth-century Iceland due to economic oppression and compulsory restrictions on marriage resulting therefrom.

[7] Utterström, *PH* 538, 541. [8] T. H. Marshall, *PH* 259 f. [9] Clark 191.

wife and family. But in the last two centuries B.C. it looks as if native Italian artisans were more and more supplanted by freedmen and slaves, while peasants who had lost their lands had to rely on seasonal work in the fields and casual labour in the towns, supplemented by public and private doles. Sheer economic necessity would often have compelled them to defer marriage, or to forgo it altogether.

Postponement of marriage by men, unless it is very prolonged, has indeed little effect on reproductivity, unless it raises the mean age at which the women marry.[1] (A certain number of women will of course die in the interim, who might otherwise have married and borne children.) Even if poor men married rather later than the age attested for men in the respectable classes, I can see no reason why this should have significantly affected the marriage age for women. It is another matter if there was a high proportion of men who never married at all.

To judge from literary evidence and the implications of Augustus' marriage laws celibacy was common, perhaps from the second century, among the upper class. This evidence tells us nothing about the poor. But it is extremely unlikely that the people whom Tiberius Gracchus described as homeless wanderers, the people who depended on the daily wages they could earn in harvesting or seasonal work in the Roman docks, behaved differently from the lowest paid workers at St. Petersburg in 1911. The grain-dole at Rome was for males only and certainly not enough to meet the needs of a wife and children (p. 382). It is generally and rightly believed that the armies of the late Republic were mainly proletarian: it may then be significant that there is hardly any evidence for soldiers' wives even at this time, before Augustus debarred legionaries from contracting legal marriages. In my judgement we can safely assume that the rate of nuptiality was exceedingly low among the Roman *proletarii*. And Dionysius thought that they composed over half the citizen body in Servius' time, doubtless arguing from later conditions.[2]

(iv) *The Limitation of Families*

It is a familiar fact that in our own day men limit their families in order to maintain a relatively high living standard or to improve their social and economic prospects and those of their children. There is nothing new in this. In the eighteenth century Gaetano Filangieri of Naples wrote that 'a father who can afford to have only one of his sons rich wants to have only one son. In the others he sees just so many dead weights for his family. The degree of unhappiness in a family is computed by the number of his sons.'[3]

[1] Clark 21 shows that fertility is somewhat affected if husband is more than 10 years older than wife.

[2] Harmand 427 ff.; Dion. Hal. iv. 18. 2; vii. 59. 6, cf. pp. 64 ff. for the proportion *c.* 218 B.C.

[3] J. C. Davis, *Decline of the Venetian Nobility as a Ruling Class*, 1962, 69. This book describes the remarkable practice by which the Venetian nobility sought to prevent the

He might have been content to quote old Hesiod: 'may there be an only son to preserve the ancestral household, for then riches will increase in your halls; but if you leave a second son in the house, you had better live until you are old, though it is easy for Zeus to furnish still more with wealth beyond telling.'[1] In Plato's ideal Republic the citizens are not to have children beyond their means as a precaution against poverty.[2] Equal division of the inheritance among the sons was the rule in Greece, and in all periods the head of the family had a motive for limiting his family: he needed to avoid a fragmentation of his estate which would have reduced all his children alike to penury. By Polybius' time the result was

'universal childlessness and a dearth of men, the desolation of the cities and a failure in production, though we have not been in the grip of continuous wars or pestilences. . . . Ostentation, the love of money, and the habits of indolence have made men unwilling to marry, or if they do, to raise the children born, except for one or two at most out of a larger number, whom they desire to leave rich and bring up in self-indulgence. The rapid growth of the evil was unnoticed. When there are only one or two sons, and one is carried off by war and another by epidemic, it is plain that their households must be left desolate.'[3]

The low fertility of the French peasantry since the nineteenth century has been ascribed to similar provisions on succession in the Code Napoléon.[4]

These provisions sprang from Roman law. On intestacy all the *filiifamilias* had an equal share in the property, and D. Daube has powerfully argued that (contrary to received views) most Romans died intestate.[5] They had indeed full testamentary freedom, but the institutions of *bonorum possessio contra tabulas* and of *querela inofficiosi testamenti* indicate that the law expected them to do what natural sentiment required and to provide for their children. Men of property had an interest in ensuring that there were not too many to provide for. Hence, perhaps, the disappearance of noble families in every generation, a process accelerated by civil wars and proscriptions in the first century B.C., but one which went back (as the *Fasti* show) to the early Republic and continued in the Principate, affecting new as well as old senatorial families. It was exceptional that Appius Claudius,

division of their estates: of several sons only one was normally permitted to marry, and two of every three noblemen remained single. (The practice was observed generally in sixteenth-century Italy, according to F. Moryson, cited by Cipolla, *PH* 578.) Although no limitation was attempted on the size of family per marriage, the result was that between 1620 and 1797 the number of the nobility decreased from about 2,000 to just over 1,000, despite the ennoblement of 137 new families in the period.

[1] *Works and Days* 376 ff.

[2] *Rep.* 372 b. See further W. K. Lacey, *The Family in Classical Greece*, 1968, 164 ff.; and for the Hellenistic period, M. Rostovtzeff, *Soc. and Econ. Hist. of the Hellenistic World*, 1941, 623 ff., 1466 f., 1547.

[3] xxxvi. 17. [4] The practice antedated the Code, Habakkuk, *PH* 275.

[5] *Tulane Law Review* 1965, 253 ff. [*Contra* J. A. Crook, *PCPS* xix, 1973, 38 ff]

consul 79, had three sons and three daughters who survived into adult years; few men of eminence in the middle or late Republic could rival him, and it can hardly be believed that such common infertility was due to natural sterility. Marcus Aurelius was to observe on the frequency of epitaphs commemorating the last of a line: this was not a new phenomenon.[1] No doubt some families disappear, merely because they became poor; the economic or social decline of a family which was not extinguished is only known if a later scion, like Sulla, emerged by talent from the obscurity in which he was born. But in general it was surely the limitation of families that explains their disappearance. Political influence depended not least on wealth, and it was vital that the family's fortune should not be split; to achieve this aim, the head of the house often made too little allowance for the risks of mortality among those children he consented to raise. The penalties Augustus attached to *orbitas* can only have been designed to check deliberate family limitation and not to penalize those who, like Augustus himself, failed to procreate descendants as they themselves desired.

If the rich sought to limit the number of their children in order to keep together their wealth, smaller proprietors will have acted in the same way, in order to protect their natural heirs against penury. According to Livy it was decided in 393 to distribute the Ager Veientanus to other citizens besides *patres familiae* 'to take account of all free persons in a household, in order that men might raise children in hope of such liberality'.[2] Clearly Livy knew well enough that peasants were less likely to raise children who had no prospect of obtaining a farm sufficient for their subsistence; it is immaterial whether he had any reliable information on the distributions made in 393. Elsewhere he describes Latin colonists as 'in colonias atque in agrum bello captum stirpis augendae causa missos'.[3] Naturally many peasants must have had more than one adult son, and it was (I suspect) mainly younger sons who received colonial and other land allotments down to the second century. But when the father's farm was too small to support more than one family, it must have been impracticable for more than one son to marry and multiply; only colonization gave them the opportunity, and this was why it could be said that colonies were founded 'stirpis augendae causa'.

[1] *Med.* viii. 31, cf. *ILS* 935; Münzer (op. cit., p. 133 n. 3) 420–5. Of 20 patrician *gentes* attested after 306, 2 disappeared in 366–267 (Foslii, Nautii), 4 in 266–167 (Aeburtii, Cloelii, Papirii, Veturii), 2 in 166–67 (Postumii, Servilii), and 10 in the next 110 years (Aemilii, Claudii, Fabii, Furii, Iulii, Manlii, Pinarii, Quinctii, Quinctilii, Sergii), if we ignore adoptions and count the last year in which a *gens*, not otherwise attested in the male line, supplied a magistrate, as its last appearance. By 66 B.C. there were already few representatives of these last 10 *gentes*. The disappearance of great plebeian houses (e.g. Caecilii Metelli, Claudii Marcelli, Fulvii, Livii, Marcii, Popillii) is not less striking. Naturally some notable instances of fecundity are known, cf. Cic. *Fin.* v. 82; Val. Max. viii. 13. 6, surely unrepresentative.

[2] v. 30. 8. [3] xxvii. 9. 11.

Thus the rich and the peasant proprietors (or tenants) must have desired to restrict the number of their children. The *proletarii* simply could not afford them. For this reason, as contended earlier, many must have remained celibate; if they chose to marry, or if they already had wives before they fell into destitution, they had every motive to avoid procreation in the first place, and if they failed in this, to abstain from rearing the children born. In my view the evidence on Caesar's agrarian legislation in 59 strongly suggests that there were few poor citizens who qualified for allotments on the ground that they had three children (and very probably these would be chiefly men who had recently lost their property),[1] while there is reason to think that free-born boys under 14 among the *plebs frumentaria* at Rome under Trajan numbered under 5,000; we need not think that the number was greater in the late Republic.[2] The modes of limiting families will be considered later (section (vi)).

(v) *Fertility of Freedmen and Freedwomen*

In the late Republic a high proportion of the citizens were manumitted slaves. Some of these were undoubtedly poor, and though they often had skills that most of the ingenuous *proletarii* lacked and may have preponderated among the small shopkeepers and artisans, they were in some measure subject to the same difficulties in supporting a family. However, there were in my view special reasons why they are most unlikely to have been prolific.[3]

As a slave the freedman might already have entered into a *contubernium* with another slave; the slave children were not necessarily freed either when one or both of their parents were manumitted or at some later date. We know of cases when the freed parent purchased or begged the freedom of his *contubernalis* and children,[4] but we cannot tell if this was common. Nor can we document the frequency of these unions. Some may suspect that in the Republic, when slaves were surely relatively cheap to buy, as a result of the prevalence of wars and piracy, owners did not always encourage them, or allow the children born to be raised, since they had the expense of maintaining them for years before the *vernae* could render them useful services, and a high proportion of the children born would be certain to die before they brought in any profits. But if the slave population was as large as I have conjectured that it may have been (Chapter X), slave-breeding was probably rather more usual than is generally conceded.[5] It may have been limited principally by a lack of slave-women. Unless *ancillae* were

[1] Chapter XIX, section (iv). [2] [See p. 723].

[3] What follows derives mainly from S. M. Treggiari, *Roman Freedmen during the Late Republic*, 1969, ch. VI.

[4] Gaius i. 19.

[5] See p. 131 n. 5. Cf. A. H. M. Jones, *Studies in Rom. Government and Law* 159 f. on imperial *vernae*. Probably all owners who bred slaves, like the emperors, tended to manumit them in successive generations, the children remaining slaves after the father had been freed.

acquired for the specific purpose of bearing children, a master had relatively little use for them. They could be employed only in domestic service and in wool-making,[1] whereas men were required for a great multiplicity of tasks from labouring in the fields to skilled handicrafts and secretarial posts. Many slaves would thus have found it impossible to find *contubernales* and the proportion of 'married' slaves may well have been rather low. These conclusions cannot be confirmed or refuted by study of sepulchral inscriptions which attest slave unions, since such inscriptions were costly (p. 132 n. 3) and were inevitably set up by the minority of slaves or freedmen who had probably done exceptionally well.

The surviving children of slave unions were themselves either slaves or, if manumitted, freedmen. We must now examine the prospects the freedman or freedwoman had of raising a family of *ingenui*.

If there were fewer *ancillae* than *servi*, *libertinae* must also have been fewer than *libertini*, unless *ancillae* had a better chance of being manumitted than *servi*. But the contrary is more plausible. The *servi* who secured manumission must usually have done so, because their employment in relatively skilled tasks or in personal service close to their owners had earned the gratitude of the owners or had enabled them to save the money needed to purchase their manumission. The women of the household clearly did not enjoy the same range of opportunities. Probably, when their freedom was purchased, it was thanks to the savings of their *contubernales*. It is obvious that the owner must often have taken an *ancilla* as his mistress and manumitted her; but unless and until he wearied of her, he might have prevented her marriage to a freedman. Moreover, though the age at which the *servus* was manumitted was perhaps seldom so high as to preclude him from begetting children, some *ancillae* were probably not emancipated until they had passed the reproductive age. The freedman who remained faithful to his *contubernalis* and who was unable to secure her emancipation might thus be denied the opportunity to have free-born children by her.

[1] The texts collected by M. Maxey, *Occupations of the Lower Classes in Roman Society* (Chicago dissertation, 1938, typescript), for the labour of *ancillae* are extremely few; we have a *furnaria* or baker (*CIL* viii. 24678), women who bake bread, prepare food, and keep the villa clean on a farm (Ulp. *Dig.* xxxiii. 7. 12. 5), *lanipendiae* (*CIL* vi. 9496–8—but the work of apportioning the wool for spinning was perhaps normally done by the *mater familias* or *vilica*, cf. *Dig.* xxiv. 1. 31; Colum. xii *pr.* 9, 3. 6; *ILS* 8393 v. 30; 8402 f.), *lanificae* (Alfenus, *Dig.* xxxiii. 7. 16. 1; Paul, *Sent.* iii. 6. 37), very low-grade (Petr. 132) and therefore probably seldom freed, *textrices* and *sarcinatrices* (Ulp. *Dig.* xxxiii. 9. 3. 6; Gaius, ibid. xv. 1. 27, cf. Colum. xii. 3. 6, Nonius 56. 23; *CIL* vi. 9039 b, 9037 f), but weaving was also men's work; *focariae* (associated with *vilica*, Ulp. *Dig.* xxxiii. 7. 12. 5, or with wool-making, ibid. 6, or with inns and bakeries, ibid. 15, cf. Paul, *Sent.* iii. 6. 37), *ornatrices* (lady's maids, Marc. *Dig.* xxxii. 65. 3; Suet. *Claud.* 40; Festus 8 L.), *nutrices*, *paedisequae* (Scaevola, *Dig.* xl. 4. 59; Ter. *Andr.* 123; Ovid, *AA* ii. 209 ff.). It would seem that there were relatively few opportunities for employment for female slaves. See also the list of duties of *ancillae* in Plaut. *Merc.* 396 ff., and Columella's account of the functions of *vilica* and her staff (xii, *passim*). See Addenda.

Were *libertini* permitted to marry *ingenuae*? We have no evidence on this, but only on the question whether *libertinae* could be taken as wives by *ingenui*. The relevant texts are in apparent conflict, which has been neatly resolved by A. Watson. He shows that no Republican law prohibited such unions or made them void, but that the censors could in effect forbid them, as they might penalize those *ingenui* who married *libertinae*; Augustus for the first time imposed a legal ban on marriage of senators to *libertinae*, while making it clear that no penalties would attach to other mixed unions. One might guess that in the late Republic such censors as were active at all relaxed their strictness, and that Augustus' concession reflects a social change he could not reverse, and that in practice free-born citizens were already marrying freedwomen in the late Republic; some such unions are known from inscriptions. We might suppose that equally marriages could occur between *libertini* and *ingenuae*. But in fact our limited evidence suggests that both types of *mésalliance* were rare.[1]

Thus freedmen were generally restricted to freedwomen in their choice of wives, including of course *ancillae* whom they might purchase and free with marriage in view. This should mean that many could not marry, and Mrs. Treggiari has the impression, from an exhaustive study of the Republican evidence, that celibacy was common among freedmen, and that families tended to be small: 'more than two children are rarely found on inscriptions.' In 168 the censors exempted freedmen who had only a single child over five years old from registration in the urban tribes, a special privilege which we may judge from their general hostility to freedmen they expected few to enjoy. Some Junian Latins earned the citizenship if they could produce only a single child who had reached the age of one. Mrs. Treggiari's conclusion also suits one provision in the Augustan marriage laws. Normally a man needed three surviving children to obtain privileges under these laws, but a freedman was excused *operae* to his patron, if he had two or more in his *potestas*; the patron was indeed only excluded entirely from the inheritance if the freedman had three children, and *libertinae* escaped *tutela* only in virtue of four children, whereas no more than three were required from *ingenuae*.[2]

It is thus unlikely that freedmen were prolific after manumission. Many of their children were born in slavery, and might themselves be freed in due course, sometimes at the cost of the parents. Of every 1,000 new freedmen many simply replaced other freedmen who had died without children born in freedom. No doubt in the late Republic the manumission rate rose to the extent that within any given period there were more slaves who were emancipated than freedmen who died, so that more freedmen were alive

[1] Watson (op. cit., p. 131 n. 4), 32 ff.; Duff, 60 ff., cf. 256; the contrast between *Dig.* xl. 2. 13 and 2. 14. 1 is revealing. [See now G. Fabre, *Libertus*, 1981, 166 ff.]

[2] Gaius i. 29 (*ius anniculi*); Livy xlv. 15. 1 f.; Treggiari (p. 143 n. 3), pp. 43 f., 68.

at the end than at the beginning of the period. But if there was no marked additional accretion to the citizen body from the free-born children of such freedmen, the effect on citizen numbers of more frequent manumissions was much less than Frank and others have supposed (cf. pp. 101 ff.).

(vi) *Modes of Family Limitation*

Granted that many Romans wished to limit the size of their families, it is hardly credible that they carried out their wish by avoiding intercourse with their wives. No doubt rich men could gratify their sexual instincts outside marriage, by taking slave-girls as mistresses; the children of these unions were slaves, and may well have constituted a notable proportion of the *vernae* whom Horace describes as 'ditis examen domus'.[1] But if family limitation had any marked demographic effect, we must surely look for other modes that it must have taken.

(*a*) *Contraception.* Roman knowledge of contraception has been carefully studied by Hopkins, and I can do little more than summarize his findings.[2]

Contraceptives are mentioned in many medical writings from the time of the Hippocratic Corpus and Aristotle to the late Roman empire: they comprise various appliances, drugs, and magical practices. Some would have been effective, many not. The ancient writers were unable to distinguish one category from the other. It must have been 'by luck rather than by judgement' that a married couple hit upon the right methods. Literary evidence for their use is rare and late; Musonius[3] and the elder Pliny refer to them, and they are denounced by Christian moralists. In my view the general silence might perhaps be explained by considerations of taste; as abortion and even infanticide were quite legal, one would not expect to find authors castigating contraception on moral grounds until it came under the moral ban of the Church. However, the medical 'knowledge' of contraceptives may not have been widely diffused; it is most improbable that the poor could resort to doctors, whose wealth shows that they charged high fees; those retained by municipalities in the empire were hardly sufficiently numerous to attend many patients outside the curial class, and in any event the evidence for such public doctors is post-Republican.[4] Further, as Hopkins remarks, even the medical writers mention abortion and drugs to procure it more often than contraception, with which it is frequently confused. There is no testimony to the adoption of *coitus interruptus* in pagan Italy, and comparative evidence shows that this fairly effective method of contraception, though well known to some barbarous peoples, is not to be regarded as so natural and obvious that its prevalence can be

[1] Hor. *Epodes* ii. 65. See Crook 107, 112.
[2] *Comparative Stud. in Soc. and Hist.* 1965, 124 ff.
[3] 77 fr. 14 A Hense, on which see Hopkins, *CQ* 1965, 72 ff.
[4] Liebenam, 100 ff.

simply assumed; equally, if men abstained from talking of such things, we cannot be certain that the silence of all our sources is conclusive for its absence.

It must, however, be regarded as doubtful whether any form of contraception was either usual or effective in limiting families in ancient Italy.

(*b*) *Abortion.* In Roman law the foetus was not regarded as a man, and its destruction was, therefore, not murder.[1] Abortion as such was not subjected to any penal sanctions. No doubt it was repugnant to the old conception of marriage as a contract 'liberorum quaerendorum causa'. A law was attributed to Romulus which entitled a husband to put away his wife for abortion without forfeiting her dowry.[2] But the restriction on divorce also ascribed to Romulus did not obtain in the historic period; in the late Republic marriage had become 'a free and freely dissoluble union of two equal partners for life'[3] and the alleged rule on abortion cannot be accepted as any more historical than the rest of the law of Romulus on marriage. In classical law the husband was entitled on divorce to retain a sixth of the dowry for grave matrimonial offences, in fact only for adultery, and an eighth for lesser offences, of which abortion without his sanction was probably one.[4] [Seneca perhaps suggests that among women of the higher class it showed old-fashioned virtue to abstain from abortion, but the husband's consent may have been expected.[5]] Cicero expresses approval of a capital penalty on a Milesian woman who by an abortion 'spem parentis, memoriam nominis, subsidium generis, heredem familiae, designatum rei publicae civem sustulisset'; he implies that her act would not have been criminal in Roman law though it deserved moral reprobation, and the reprobation arises mainly because Cicero puts himself in the place of the disappointed father.[6] A Severan jurist, citing this text of Cicero, states that the Severi had ruled that a woman should be temporarily exiled for committing abortion after divorce 'ne iam inimico marito filium procrearet'. Marcian, perhaps referring to the same ruling, explains it with the words: 'indignum enim videri potest impune eam maritum liberis fraudasse.'[7] The penalty was imposed because of the damage done to the husband's rights. It would not then have been due, much less enforceable, if the husband himself had commanded or condoned the act. We also find that in the Severan era penalties were imposed on those who gave drugs to procure abortion 'etsi id non dolo faciant, quia mali exempli res est'.[8] But penalties were also laid for the same reason on those who gave love potions or drugs to avoid sterility. Drugs of all kinds could be classed as poisons, if they had bad effects, and

[1] *Dig.* xxxv. 2. 9. 1, cf. Mommsen, *R. Strafr.* 636. 3.
[2] Plut. *Rom.* 22, cf. P. Noailles, *Fas et Ius*, 1948, 1 ff.
[3] F. Schulz, *Classical Roman Law* 103.
[4] Ulp. vi. 12.
[5] [*Cons. ad Helv.* 16, 3.]
[6] *Cluent.* 34.
[7] *Dig.* xlviii. 19. 39; xlvii. 11. 4.
[8] *Dig.* xlviii. 19. 38. 5, cf. 1. 3. 2.

those who gave them could be classed as poisoners, even though their intention was not to do injury. The implication of the statement that persons might give drugs to procure abortion without 'dolus' is that abortion was not *per se* an offence. Their action was 'mali exempli', only because such drugs could often be dangerous to health or life. This was just as true of drugs intended to promote conception as of drugs intended to abort the foetus, and all were penalized alike. And no penalty is imposed on the wife who takes them with husband's consent or the husband who consents to her doing so. In any case, the penalties are apparently Severan innovations, and irrelevant for the Republic.

Hopkins observes that the medical writers refer much more often to abortifacients than to contraceptives. The elder Pliny too mentions many. He is credulous of old wives' tales: thus, if a pregnant woman steps over a raven's egg, she will miscarry through the mouth.[1] But effective methods were apparently available.

> Sed iacet aurato vix ulla puerpera lecto.
> tantum artes huius, tantum medicamina possunt,
> quae steriles facit atque homines in ventre necandos
> conducit.[2]

A practice that was not banned by the law and that suited the interests of men who wished to limit their families must have been common at least among those who could pay the *merces abortionis*. In so far as it was practised, it could have permanently impaired the woman's fecundity.[3] It was denounced only by the Christians with their new conception of the value of the foetus.[4]

(*c*) *Infanticide*. Those who lacked the means to procure abortion or had adopted inefficient methods for the purpose could still resort to infanticide, generally by exposing the newborn child; it might then be picked up and reared by the chance finder, either as his child or, more probably, as his slave. The child retained its title to freedom, but except in the realm of romance the title could hardly ever have been proved. Most foundlings must have remained slaves, unless or until they were manumitted.[5] The prevalence of infant exposure in Greece, at least in Hellenistic times, is recognized: in Italy it is usually ignored.

Once again, we are told of a 'law of Romulus' whereby citizens were bound, on pain of forfeiting half their property (a sanction of no force against the *proletarii*), to raise all male children and the firstborn girl, unless the child were maimed or monstrous, when it might be exposed if five

[1] *NH* xxx. 130. [2] Juv. vi. 594 ff., cf. 366 ff.

[3] *Study of Population*, ed. Hauser and Duncan, 1959, 416 f. for this effect in primitive peoples.

[4] e.g. Minuc. *Octav.* 30; Tert. *Apol.* 9. 6.

[5] Suet. *Gramm.* 7 and 21 preserves two curious cases in which the *ingenuitas* of the foundling was remembered.

neighbours approved.[1] The exposure of deformed infants seems indeed to have been obligatory under the Twelve Tables[2] and to have been normal practice.[3] But there is no confirmation of Romulus' law in the juristic texts of the classical period. On the strength of a statement by Tertullian that exposure was prohibited by the laws yet none the less common,[4] Mommsen conjectured that the 'law of Romulus' embodied the rules of the *pontifices*; but in secular law, as he pointed out, it was incompatible with the untrammelled *potestas* of the *paterfamilias*.[5] Sachers suggests that as an offence against morals it was penalized by the censors.[6] This is pure conjecture. Even if it were true of the early period when marriage was still an institution 'liberorum quaerendorum causa', the censors had no penalties in their armoury efficacious against the poor. By the late Republic the attitude to marriage itself had clearly changed among the upper classes, and their general indifference to religion would have extended to pontifical rules. These indeed may well have retained more authority with the masses, but hardly enough to balance the permissiveness of the law, the example of their superiors and the force of economic distress. *Patria potestas* was first limited by Constantine,[7] and it was not until Valentinian I that the power of exposing an infant was expressly denied to the father.[8] The main significance of the 'law of Romulus' is probably in the distinction it draws between male and female infants; even a moral or religious rule did not enjoin that all the girls should be raised. The existence of such a moral rule, which professedly embodied the 'mores antiqui' of Rome, may also explain why we hear so little of infanticide. Its legality is beyond doubt: it was perhaps practised in shame and secrecy.

For that reason we cannot infer that it was rare from the paucity of literary allusions. Plautus[9] and Terence[10] refer to it; they may be following Greek models and, though it can be said that they would not have alluded to something unknown to their audience, infanticide or exposure of infants occurs to some extent in all societies, even where it is criminal, and their evidence does not by itself show that it was either permitted or frequent at Rome. However, Tacitus suggests that it was common in his time, when he notes it as a peculiarity of Germans and Jews that they did not resort to it,[11] and Musonius Rufus castigates the rich for exposing children, to keep their

[1] Dion. Hal. ii. 15, cf. ix. 22. 2 on which see Watson (op. cit., p. 131 n. 4), 98 f.
[2] Cic. *Leg.* iii. 19. [3] Sen. *de Ira* i. 15. 2. [4] *ad Nat.* i. 5.
[5] *R. Strafr.* 619, cf. Weiss, *RE* xi. 463 ff. with fuller evidence; see also Ruggini 72 for the late Empire. For specific references to the father's right of exposure see Dio xlv. 1; Suet. *Aug.* 65. 4; *Gaius* 5.
[6] *RE* xxii. 1091. [7] *C. Th.* ix. 15. 1.
[8] *C. Th.* ix. 14. 1. Newborn children would validly be sold as slaves ('propter nimiam paupertatem egestatemque victus causa') by a law of Constantine (*CJ* iv. 43. 2).
[9] *Cas.* 41 f.; *Ci.* 124. See P. Spranger, *Hist. Untersuch. zu den Shlavenfiguren des Plautus u. Terenz* (*Abh. Akad. Mainz*) 71 f.
[10] *Heaut.* 627. [11] *Germ.* 19; *Hist.* v. 5.

families small and their property intact; the poor, in his view, have some excuse.[1] Augustus found it expedient to avoid a condition that was evidently sometimes attached to legacies: 'si filios non susceperis'.[2] A rhetorical work describes a case, perhaps fictitious, in which exposed children were mutilated to enable them to beg with greater effect for their master![3] The practice of exposing babies 'to cold, famine, or dogs' was the subject of frequent denunciation by Christian writers,[4] till it was forbidden by a Christian emperor. The evidence, it so happens, is imperial, but no change of economic conditions or moral standards can be adduced to show that exposure was a novelty in Musonius' day or Tertullian's.

Sir Ronald Syme suggests that with the moral laxity of the late Republic the bastards of *nobiles* must have been 'fairly numerous'.[5] And yet 'it is not easy to produce an authentic bastard anywhere, let alone the bastard of a *nobilis*'. In vilifying their enemies men impute to them humble and sordid origins but not illegitimate descent. Syme concludes that the bastards of *nobiles* 'went to recruit the miscellaneous congeries of the Roman plebs'. Perhaps most bastards were born to slave-mothers and remained slaves (*supra*). In so far as the mothers were free, the explanation he mentions and slights, the prevalence of contraception, abortion, and infanticide, seems more likely than his own. When exposure was not banned by the law, why should the father (who must often have wished to limit the number of his legitimate children) acknowledge or maintain a bastard, and why, or how, should the abandoned maiden have tried to rear him? The term '*nothus*', denoting the bastard of a known father, was imported from the Greek and is rarely found; '*spurius*' occurs only in post-classical Latin, except in the jurists. It is also of course found occasionally as a *praenomen*; though it came into hereditary use among certain families, it may reasonably be supposed that in each such family the first holder was a bastard, as little ashamed of his birth as many illegitimate sons of aristocrats in later days. It is probably significant that it is mostly confined to families represented in the very early *Fasti*, above all to patricians; in those times the nobility probably had fewer *ancillae* at their command, and their bastards were more apt to be of free birth.[6] References to a 'filius legitimus' are also uncommon, naturally enough if nearly all children who survived (except as *alumni*) were legitimate. By contrast 'alumnus' is quite common.

Among the children recorded as benefiting from Trajan's alimentary foundation at Veleia 179 were legitimate and 2 were bastards. There were

[1] 80 f. (Hense). [2] Paul, *Sent.* iii. 4 b. 2. [3] Sen. *Controv.* x. 4 (33).
[4] Tert. *Apol.* 9. 6; *ad Nat.* 16; Lact. *Div. Inst.* vi. 20. 18 ff., cf. Ruggini 72.
[5] *Proc. of Amer. Philos. Assoc.*, 1960, 323 ff.
[6] Spurius is a *praenomen* in 23 families in *MRR* of which 12 are patrician, and 7 others belong to the fifth century. It was perpetuated principally in the Postumii. *FIRA* iii. 4 shows that the Lex Aelia Sentia and Lex Papia Poppaea prohibited the registration of 'spurii spurieave' by the mother, perhaps on moral grounds. For 'nothus' Quint. *Inst.* iii. 6. 97.

also 264 boys to 36 girls.[1] Could those figures reflect proportionate chances of survival for both bastards and girls? If this were the explanation, the population would have been in catastrophic decline by Trajan's time. Even in Hellenistic Greece the ratios of boys to girls, epigraphically attested (118 : 28 or 25 : 7), are less startling (see note 4), yet still misleading. The mental attitude implied in the preference given to boys over girls might suggest that females were the most natural victims of infanticide. But the most plausible explanation of the proportion between boys and girls is that suggested by Duncan-Jones, that parents could obtain doles only for one child and opted that they should go to boys, who received 25 per cent more, unless they had only daughters.

It still remains probable that female infants were more often exposed than male. According to Dio there were fewer females than males among the free-born population in 18 B.C.[2] That is unnatural; for though more boys are born than girls, until very recent advances in medicine more girls normally survived infancy than boys. Women suffered special risks in childbirth, but the mortality among men in the civil wars, and the absence of upwards of 100,000 Italian males in the army (probably unmarried for the most part) should have more than compensated for this factor in 18. In times of shortage (as in 23–22 B.C.) boys may have got more of what food there was than girls, and there may have been in consequence a higher incidence of mortality among the female population.[3] But it is probable that Augustus, and therefore his historian, was most conscious of the ratio subsisting in the upper class, whose members were not likely to have been subject to a mortality derived directly or indirectly from undernourishment. And Musonius proves that in his day the upper class practised the exposure of infants (*supra*). A man who desired above all to keep the family property together would wish to reduce to the minimum the expenditure on dowries which custom required, and even 'the law of Romulus' did not require him to raise any girl except the first-born, who herself might die in childhood. Of Hellenistic Greece, where the prevalence of infanticide is demonstrated by inscriptions, Tarn observes that 'more than one daughter was practically never reared, bearing out Posidippus' statement that "even a rich man always exposes a daughter" '.[4]

A shortage of women due to infanticide of girls explains the extraordinarily low age at which girls in the upper class were apt to marry (*supra*).

[1] *ILS* 6675 cf. R. Duncan-Jones, *PBSR* xxxii. 123 ff. [2] Dio liv. 16. 2.

[3] Hajnal, *PH* 127. A survey in Lebanese villages in 1953 showed an infant mortality rate of 195 for males, 315 for females, Clark 44.

[4] Tarn–Griffith, *Hellenistic Civilisation*[3], 101 f. (data for emigrants who had probably left married daughters behind and the comparison between all Epicteta's male kin and female kin within the class of ἀνεψιάδες are misleading on the sex ratio); cf. for medieval England, Russell op. cit. (p. 132 n. 1) 162, 167 f.; for pre-Islamic Arabia, Ibn Khaldun quoted by Clark 254.

The prospective husband looking for a wife well endowed with property was obliged to pre-empt. It also accounts for the concession Augustus made in 18, whereby *sponsae* below the age of puberty counted as *uxores* for the purpose of the rewards and penalties of the new marriage law and for the fact that after divorce or death of spouse the woman but not the man had to remarry within a time limit (Appendix 9). The prevalence of celibacy itself may have its origin partly in female infanticide; perhaps its advantages were first discovered by men who could find no eligible brides; 'invisa primo . . . postremo amatur.'

I would also conjecture that it was just because women were in short supply that their status was improved, that marriages *cum manu* which placed them in the husband's power became less common, that they acquired *de facto* control over their own property, that they were free to divorce their husbands without cause and to recover their dowries, unless guilty of some marital offence.

It may also be observed that if celibacy was common (as it appears to have been) in a world in which there were about as many women as men, we might expect spinsters to have been about as numerous as bachelors; yet Latin has not any word which readily denotes 'spinster'; it was by a forced interpretation that the Augustan jurist, Labeo, made the term 'vidua' include spinster.[1]

If the rich sometimes practised infanticide from prudence, the poor must have done so from necessity. Hence, even if Dio's testimony relates only to the upper classes, it can be extrapolated to the poor. The peasants of the Gracchan time, dispossessed of their lands, were unable to *rear* children.[2] The younger Pliny, referring to Trajan's extension of grain distributions at Rome to children, was to say: 'locupletes ad *tollendos* liberos ingentia praemia et pares poenae cohortantur, pauperibus *educandi* una ratio est bonus princeps.'[3] Parents who did not know each morning where their own food was to come from might have excused the exposure of their infants with the reflection that they had some chance of being reared by the slave-owner to whom they might appear to be economic assets. Many slaves originated from Italy, and if some were the children of *ancillae* born there, a high proportion may have been foundlings, or have been sold, though illegally, by their own parents.[4]

Obviously we cannot determine numerically how far contraception, abortion, and infanticide contributed to limiting the free-born population of Italy. Among some primitive peoples moderation in sexual intercourse and various more or less effective contraceptive devices have kept down the

[1] *Dig.* l. 16. 242. 3; however Livy i. 46. 7 uses 'vidua' thus.

[2] App. *BC* i. 10. Cf. Dion. Hal. ix. 51. 6 for contention that citizens without land did not wish to have children, and that at best their children were unhealthy.

[3] Plin. *Paneg.* 26. 5, cf. *Epit. de Caes.* 12. 5.

[4] M. Bang, *Röm. Mitt.* 1910, 242–4, 249, cf. my article cited on p. 131 n. 4.

number of births.[1] As the contraceptive lore of classical antiquity did not enable anyone to identify with certainty which contraceptives would be effective, it seems likely that there was frequent resort to abortion and infanticide. In default of ancient statistics we must turn to modern evidence, to form any impression of the possible prevalence and effect of these practices. In Japan population seems to have remained stable from 1725 to 1850, when both were allowed, and it rose steeply thereafter when both were repressed.[2] Since the war abortion has been liberally permitted in the communist countries of eastern Europe, and its use has been associated with a widespread desire to limit the size of families drastically; in Hungary the desired size has varied from 2·1 to 2·4 children per marriage, and in Rumania has sunk to 1·3 among urban families and 0·7 among the professional class. The birth-rate has sharply fallen and in 1965 was lower in almost every eastern European country than in the U.K.; the fall is indeed not precisely correlated with the alterations of the law which have made abortion easy to obtain, but the reason for that is likely to be that before those alterations illegal abortion was already extremely common. In some recent years abortions were 135 per cent of live births in Hungary and over 60 per cent in Bulgaria and Rumania (where the birth-rate was markedly higher than in Hungary). It has been argued that the abortion rate has been highest in those countries where contraception has been least practised; it is markedly lower in Czechoslovakia, where the law is nearly as permissive but where contraception is more general and effective.[3] (This may well be particularly relevant to ancient Italy.) The communist states do not normally require the husband's consent, but it is generally obtained, and the requirement in Roman law that it should be secured is not at all likely to have been a bar to frequent abortion; it was often enough in his own interest to limit the size of his family. (Equally the slave-owner may often not have wished the *ancilla* to bear his child, either to save himself embarrassment or to spare the cost of maintenance.)

No doubt abortion must have been preferred to infanticide. If any shame attached to the destruction of life, abortion had the merit of greater secrecy. It was also more humane to destroy the embryo than to expose the child, and it spared the mother a useless risk in childbirth, though, to be sure, we do not know the incidence of ancient mortality in abortion. It would also be insensitive to the dilemma of poor parents, if we were to think them devoid of human feeling when they exposed a child whom they *could* not feed or clothe, and gave it *some* chance of being reared by another. If infanticide is rather better attested, that can be explained by its greater publicity. But only the hypothesis that infanticide was common will explain evidence

[1] L. T. Badenhorst and B. Unterhalter, *PS* xv. 82 f. (Bantu): M. E. Balfour, ibid. 106 ff. (Asia). [2] P. R. Wise, *Demography*, 1959, 254; Clark 77 f.
[3] P. M. Potts, *Eugenics Review*, 1967, 232–50.

for a dearth of women. It can well have had an important effect in limiting the population. Among some primitive peoples it has accounted for 50 per cent of live births.[1]

The Augustan marriage legislation, which I examine in more detail in Appendix 9, was designed to check both celibacy and childlessness, by a system of rewards and penalties, which affected only the propertied class and freedmen and would at best have had little demographic effect; only some system of family allowances, or a scheme like Trajan's alimentary system, would have helped the poor; and that would have been too costly to the treasury. Certain rewards extended only to the parents of 3 *surviving* children (those lost in battle ranking with survivors). Given a high rate of child mortality, which we must assume, Augustus was expecting a rather considerable fertility from parents who hoped to qualify. But to avoid the penalties affecting inheritance a single surviving child seems to have sufficed. Here he set the target realistically low. The legislation seems to have served little purpose except to enrich the treasury. Reluctance to marry and raise families was too deeply rooted among the higher classes. We can then surmise what their normal behaviour had been, before the law 'encouraged' them to reproduce themselves. As for the poor, we may recall Cicero's belief that 'quaecumque mutatio morum in principibus extiterit, eandem in populo secutam'.[2] However that may be, the fundamental reason why many did not take wives or rear children was their simple inability to do so, and it does not concern us here to ask whether their condition in the Principate was so much (if at all) improved that this inability was overcome.

(vii) *Emigration*

In Part Two I shall attempt to estimate how many citizens were domiciled outside Italy. By A.D. 14 they may have numbered 1,870,000, of whom 580,000 may have been adult males. I believe that within the last category some 300,000 were free-born provincials who had acquired the citizenship. It does not follow from this that the remaining 280,000 were all truly Italian emigrants. Some were surely of mixed, though ingenuous, descent. The citizens living overseas before Caesar's time had included many freedmen, and indeed may well have been of preponderantly servile origin. Caesar organized the emigration of some 70,000 *proletarii*, who were mainly freedmen. Thus to a considerable extent emigration from Italy took the form of re-exports of foreign inhabitants. In any event emigration from Italy cannot have counterbalanced the influx of slaves, and emigration was not in my view a very significant factor in Italian demographic history.

The considerations adduced in this chapter on mortality and fertility in ancient Italy amply explain the decline in the free-born population to which

[1] Warren S. Thompson, *Population Problems*, 1953, 11. [2] *de leg.* iii. 31.

a correct interpretation of the census figures points. Indeed, if we take seriously (as we should) Dio's statement on the shortage of women in 18 B.C., it is in itself enough to discredit the hypothesis that the free-born population was growing. Nor is there any reason to think that the ratio of women to men had been more favourable in the previous two generations or more. The fundamental cause of regression was in my view the impoverishment of the mass of Italians by continuous wars. It is hard to overestimate the fearful burden that conscription imposed on the Italian people with little remission for 200 years, the loss of lives, the disruption of families, the abandonment of lands; in the end Italy suffered as much or more than the provinces which her soldiers and officials without mercy pillaged. But the upper classes profited, and used their profits to import hordes of slaves. The competition of slave labour completed the economic ruin of the majority of Italians, and made them politically the pliant instruments of unscrupulous leaders whose rivalries were to subject all the 'rerum dominos' to one man.

PART TWO

CITIZENS OUTSIDE ITALY

XII

ITALIAN EMIGRATION: GENERAL CONSIDERATIONS

TENNEY FRANK suggested that in 90 B.C. some 400,000 adult male Italians were domiciled in Transpadana and overseas, most of whom were not counted in the census of 70/69. He also thought that by 28 B.C., when Transpadana had become part of Italy, some 560,000 of the citizens then registered lived overseas.[1] It is of course certain that the number of citizens resident in the provinces much increased as a result of the foundation of colonies overseas by Caesar and the triumvirs, and through the enfranchisement of provincials. In the lack of statistics Frank's estimates are not susceptible of strict proof or refutation. We have to rely on impressions. The high figures Frank gives require, and are intended to sustain, the view that the Augustan census figures are *in pari materia* with the Republican. If on other grounds it seems impossible to maintain that view, it ought to be conceded that a mere impression that there was a mass migration from Italy in the last two centuries of the Republic either to Transpadana or beyond the sea, however just it may seem, is in fact misleading. In my belief, however, a careful inspection of the evidence does not suggest that there were nearly as many Italians living overseas as Frank surmises. In particular, the testimony that Mithridates massacred 80,000 Italians in the east in 88 is worthless, while other evidence merely shows that the Italian residents were culturally, socially, economically, and politically important rather than numerous; not many could be found to serve in armies, when the need for legionaries was greatest.

The Romans were undoubtedly great colonists. In Italy their normal method of settling conquered territory was to found colonies, fortified towns with their own local self-government, which served as 'propugnacula imperii'. The work of assigning allotments and organizing the new towns was a function of the government. Alternatively, individual allotments were parcelled out in districts where no such organized community was created. This was done, for instance, with the land of Veii, which was so near Rome that Rome itself could serve as the economic centre and refuge for the new Roman farmers. Other viritane distributions of land were normally made within a relatively pacified area, protected by Roman or

[1] *ESAR* i. 315, cf. *CP* xix, 1924, 333.

Latin strongholds. It was probably regarded as dangerous when Flaminius in 232 carried a law assigning viritane allotments to citizens in the Ager Gallicus or Ager Picenus, on the very edge of the territory Rome controlled.[1] And even such viritane grants were a matter for the state. The land belonged to the state and the state divided it. In all the early history of Rome we hear nothing of great numbers going out and occupying new lands on their own initiative. It was also the state that organized the settlement of *proletarii* overseas from the time of Gaius Gracchus to that of the triumvirs. At least there is no testimony to a mass migration of Italians overseas in the second or first centuries depending on individual enterprise. This would have been an unparalleled phenomenon not only in Roman life but in the whole history of antiquity. So far as we know, large movements of population always took the form of a *Völkerwanderung*, when a whole people, or a large part of it, under designated leaders, sought new homes which generally had been won by the sword—of this kind of movement the Sabellian *ver sacrum* may serve as an instance—or of publicly organized colonial foundations, or of the enforced movement of subjects by despotic governments or of men who had been reduced to slavery.[2]

Of course some individual Italians did settle overseas in the late Republic on their own initiative. But this was not a mass movement. Most of our evidence relates to men of business, and it will be argued later that they were only numerous in relation to the well-to-do classes of their new homes, not to the whole free population of Italy or of their new abodes. Some soldiers also settled as farmers in lands with which service had made them familiar. In a few cases, even before Caesar, settlement was organized by the Roman authorities. I find nothing, however, to support the belief that significant numbers of Italian peasants sought new lands beyond the seas in regions which they had never seen, perhaps hardly heard of. And without such a peasant emigration, in times when most men everywhere were engaged in agriculture, Frank's estimates seem to me inconceivable.

In modern times, of course, mass emigrations have occurred, notably from Europe to North and South America.[3] The length and cost of the Atlantic sea-voyage, an obstacle which was surmounted by all kinds of devices, may be contrasted with the proximity to peninsular Italy of the Po valley, Spain, or Africa, and it is perhaps of no significance that we hear nothing of a substantial passenger traffic by sea or of the removal of families by wagons to the north; so little is known in general of such things

[1] *ESAR* i. 60. The grounds on which Flaminius' proposal was resisted are conjectural.

[2] Slavery had one economically progressive feature; it counteracted the natural immobility of labour in times when with poor communications and transport there was consequently little knowledge of needs and opportunities for employment at any notable distance.

[3] The allusions to emigration to the United States are based on Marcus L. Hansen, *The Atlantic Migration* (1940), reprinted in Harper Torchbooks (1961).

in Roman times. Again, though many of the motives which operated on emigrants from Europe in the last few centuries can hardly be transposed to the Roman Republic, for instance hatred of kings or priests, the burden of feudal and ecclesiastical dues, the widespread desire of men to rise from the condition to which they had been born by removing to the Eldorado of the Indies or to the Utopia of bounty and freedom, which the United States was thought to be, there was certainly enough sheer social distress in Republican Italy to account for mass migration, if mass migration were attested. But we must not be misled by modern analogy into underrating the factors that must have discouraged impoverished peasants from seeking homes abroad by individual enterprise.

Emigration to the United States was facilitated by the growth of industry and commerce there; many of the immigrants found employment in the cities; indeed it was mainly native-born Americans who advanced the frontier and brought new land into cultivation.[1] If immigrants arrived as paupers (which was not uncommon) and could find no jobs, the American states had some provision for poor relief.[2] These conditions did not obtain in Cisalpina or Spain or Africa in the late Republic. Trade and industry could absorb only a very limited new entry. Italian peasants and agrarian workers had no capital for trade, and no industrial expertise. Their skills lay in farming; where were they to find lands?

How much could they know about conditions in the provinces? In the nineteenth century there was much ignorance in England about the geography and prospects in North America (despite advertising propaganda, and the existence of agents, especially provided by the shipping lines, to enlist immigrants). In England itself in the first half of the last century 'farm labour was normally mobile only over fairly short distances', the new industries recruited only within a radius of 20 to 30 miles, and 'fear of the unknown and untried, a deep ignorance of any kind of life more than 10 or 20 miles away' kept men from moving out of counties where desperate poverty prevailed to other counties or countries.[3] Agricultural labourers in Devonshire in the 1860s, who were invited to migrate to Kent or the northern counties, often asked whether they were going 'over the water'.[4] In 180 Ligurians were transplanted to Samnium 'procul ab domo, ne reditus spes esset' (p. 197); would Samnites have found it easier to move to Liguria? Many Italians, it is true, saw army service in Transpadana and Spain in the second century, and a few in Africa; but we cannot count on their diffusing accurate information; in 415 the Athenians, who had long had trading relations with Sicily and had recently sent a fleet there, were mostly

[1] Hansen (1961 ed.) 14 f. When an attempt was made to plant immigrants in frontier areas, we find organized group settlements.

[2] Ibid. 257 f.

[3] J. D. Chambers and G. E. Mingay, *The Agricultural Revolution 1780–1880*, 1966, 103, 120, 146.

[4] Ibid. 188.

ignorant of the size of the island.[1] But granted that there were Italians who could and did inform their countrymen of opportunities in the provinces, what opportunities did in fact exist, in default of action by the government?

Was the expatriate to acquire lands already under cultivation? Had he the means and could he find willing sellers? Some traders and soldiers must have bought lands abroad; but it is not easy to believe that landless agricultural workers or peasants who had lost their farms at home, or who could not obtain a livelihood from them, had the money for purchases, or that there was so much provincial land on the market that any large number of migrants could have been accommodated in this way. Or were they to bring derelict or virgin land under cultivation, simply occupying vacant places? No doubt much land of this kind was to be found, often on the edge of settled areas; in Africa during the Principate colonists, many of them veterans, were steadily to push forward the frontiers of cultivation at the expense of nomad tribes. But by what process did unorganized individuals discover the whereabouts of such lands? And how did they live before the soil began to yield them fruits?[2]

It may also be asked in what sense any land was really vacant. Cultivable forest or marsh land could still have value for primitive peoples, providing them with game and fuel, and they were bound to resist the advance of the plough. Where cultivated land had fallen vacant as a result of war or some natural calamity, it might still belong to some community, but was that community likely to invite or welcome Italian emigrants? In the settlement of medieval Prussia Germans went eastwards on the invitation of bishops, abbots, nobles, and knights who held the land and needed more men to serve them in arms or till the soil and were ready to offer favourable terms to immigrants; there was no unorganized trek to the new country.[3] In antiquity too we sometimes hear that immigration was encouraged. More than once, the inhabitants of the Chersonese, for instance, welcomed new settlers from Greece who could share in the defence of the country against local enemies.[4] Hellenistic kings clearly attracted migrants from Greece by offers of land, and many Greek colonies must have been strengthened by *epoikoi* after their foundation. In Italy itself Pisae petitioned in 180 for the foundation of a Latin colony in its territory as a barrier against Ligurian raids.[5] It may well be that the Latin and Roman colonies in Cisalpina sought to attract other Italians to occupy unallotted lands and strengthen them against Ligurians or Gauls. But it cannot be imagined that Punic or

[1] Thuc. vi. 1. 1.

[2] In my view—I hope to give proof elsewhere—there was much waste but cultivable land in peninsular Italy itself, but it could only be brought under cultivation by farmers, like Horace, who could in the meantime subsist from other property.

[3] F. L. Carsten, *Origins of Prussia*, 1953, 11 f., 28, 43, 52. I owe the reference to Professor Hugh Trevor-Roper. See also pp. 709 f. (Addenda).

[4] Hdt. vi. 34 ff.; Plut. *Per.* 19. 1; *Hyp. to Dem.* viii.

[5] Livy xl. 43. 1.

Spanish or Greek communes ever sought to attract settlers from Italy, men of an alien race and speech. It was only under the aegis of Rome's power that Italians could acquire lands overseas. It was said in 63 that men would be ready to emigrate to Egypt 'propter agrorum bonitatem et omnium rerum copiam'.[1] Probably these were rich capitalists, but in any event the annexation of Egypt and the confiscation of the royal land were the necessary preconditions; it must also have been envisaged that the state would allot the land, at any rate to peasants.

Vacant land in a province might have become *ager publicus*, in which case it was formally the right only of the Roman authorities to decide its use. Even if we allow that they might have overlooked 'squatting' by Italian immigrants, these immigrants needed protection against the natural hostility of the peoples from whom the land had been taken. Roman colonists, like Athenian cleruchs, might be hated, as the fate of Claudius' colonists at Camulodunum shows.[2] We might indeed expect on this hypothesis that some revolts against Rome in the provinces would have been ascribed to the presence of such Uitlanders, as revolts are sometimes connected with the presence of extortionate Italian usurers. In antiquity peoples prized nothing so much as the right to exclude foreigners from ownership of their soil. Italian settlers in the provinces, at least in those of the warlike west, would have needed a common organization to provide for their common defence. This required state action.

Virgil makes his displaced peasant say

> at nos hinc alii sitientis ibimus Afros,
> pars Scythiam et rapidum cretae veniemus Oaxen
> et penitus toto divisos orbe Britannos.[3]

This is a favourite quotation with believers in mass emigration (particularly to Africa, though I have yet to find a scholar who regards the second and third lines as serious historical testimony). It belongs of course to a time when the state was founding colonies in the provinces and is no indication, granted that it has some factual relevance, that until then large numbers of Italians had been making homes abroad of their own will and by their own efforts. The true importance of the lines is quite different. They show the spirit in which the peasant, according to Virgil, viewed emigration. It is a painful necessity, the effect of civil war. It is not prompted by aspirations to a better life. The Africans are thirsty; they live in a harsh land under a burning sun. The peasant yearns with little hope for return to his old home:

> en umquam patrios longo post tempore finis
> pauperis et tuguri congestum caespite culmen
> post aliquot mea regna videns mirabor aristas?

[1] Cic. *de leg. agr.* ii. 42. [2] Tac. *Ann.* xiv. 31 f.
[3] *Ecl.* i. 64 ff. [Cf. *Georg.* ii. 511 ff.]

There is nothing here of the enthusiasm which inspired so many emigrants from modern Europe, nothing of Goethe's '*Amerika, du hast es besser*.' The triumvirs and Augustus understood the sentiments of their soldiers well enough in providing them mostly with lands in Italy, ruthlessly turning out those who had not given them indispensable support with their arms.

The preference of some soldiers in the late Republic and most in the Principate for making a home where they had served for many years does not controvert this assessment of the feelings of the Italian peasant. The soldier who wished to settle in a province was 'diuturnitate iam factus provincialis'.[1] He was as unwilling to forsake the familiar as the Italian who had seldom or never left the confines of his own community at home.

No doubt in the Republic there were some exiles and broken men who had to leave their country for their own good. One such was P. Sittius, a man of wealth and standing, implicated in Catiline's schemes (whether or not justly does not matter).[2] He collected some fellow exiles, probably Sertorians, and with them served as a mercenary in Mauretania.[3] Most of his followers indeed, with whose help he was to render Caesar valuable services in his African campaign of 46, seem to have been foreigners, on whom he was permitted to confer citizenship when he was given Cirta to settle and administer.[4] But the adventures of these Italian refugees do not suggest that there was provincial land readily available for such men in pre-revolutionary conditions.

The average peasant in Italy had then neither the desire to emigrate nor the means to do so without governmental direction, which (so far as we know) was not provided before the time of Caesar's dictatorship except in a few instances. Emigration should have been restricted to the relatively sparse colonial settlements organized by the state, to the men of business (in the broadest sense) in the provinces and their agents and employees (often freedmen and slaves), and to soldiers who made connections and found homes in lands where they served, especially when they were retained there for many years together, often marrying foreign women and begetting children with no title to the citizenship. In my judgement the evidence agrees with these suppositions, and points to a relatively small number of Italians residing abroad before Caesar.[5]

[1] *Bell. Alex.* 53. 5; cf. Tac. *Ann.* xiv. 27. 2; Hyginus 131. 16 L.

[2] *RE* s.v. [3] Dio xliii. 3. 1.

[4] S. Gsell, *Hist. anc. de l'Afrique du Nord* viii. 54 ff. cf. Teutsch 65 ff. with full bibliography.

[5] Clark 110–13 is pertinent: 'Emigration is a process which builds up cumulatively; people are much more likely to emigrate where they have relatives and friends who have emigrated already, who can supply them with reliable information about the country of their proposed destination, and possibly financial help with travelling as well. And it is not the poorest, most backward and most hungry communities which emigrate. [Compare the Gracchan settlers at Junonia.] "In particularly poor isolated rural areas a hard lot is accepted as a matter of course for lack of knowledge of means of improving it—it is

Settlement of Italians in Cisalpine Gaul is no doubt another matter. The land was familiar to soldiers who served there not only in the period of conquest in the early second century but in many subsequent years, for consular armies were constantly stationed in Cisalpine Gaul, to pacify mountain tribes or protect the peaceful inhabitants against their raids, right down to the time of Caesar (pp. 190–9). Latin and Roman colonies had been founded here from 218 B.C., and in 173 viritane assignations were made in the Po valley and perhaps in the region of Montferrat; they may not have been the last (p. 198). The settlers established in the country by government action might have encouraged their kindred, friends, and old neighbours to migrate to adjacent lands, and soldiers serving in Cisalpina could have seized opportunities to acquire farms there. However, even in Cisalpina there were difficulties that must have limited this development. For a long time the country was insecure, in certain parts until the time of Augustus. Private individuals could not expropriate the natives from the land they owned, and might have been unable to bring waste under cultivation, even when it belonged to the Roman state and when the government was ready enough to tolerate *occupatio* by squatters. There is no actual testimony to a mass emigration from southern and central Italy into Cisalpina, and we can only guess at the extent to which it may have occurred from an examination of the conditions there. I shall consider these in the next chapter, and attempt to determine whether we can assess the probable growth of population in Cisalpina between 225 and the enfranchisement of the Transpadani in 49, taking account of the native population as well as of the Italian settlers. Thereafter, in Chapters XIV and XV I shall review Italian settlement overseas, together with the enfranchisement of provincials, down to A.D. 14, to see whether we can estimate within limits the number of citizens domiciled overseas at the time of the censuses of 69, 28, and 8 B.C. and A.D. 14.

the rural areas in transition, areas in first contact with urban and commercial influences, that send out swarms of emigrants."' Clark's quotation is from Kirk, *Europe's Population in the Inter-War Years*. Only a few parts of Italy were in contact with commercial influences.

XIII

THE POPULATION OF CISALPINE GAUL

In Chapter X I guessed that the population of Cisalpina *c.* 225 was about 1,400,000 and that by the time of Augustus the free population of Italy as a whole had somewhat decreased, though the total population, including slaves, was much larger. My estimates there are compatible with the belief that the free population of Cisalpina was substantially greater than in 225 and that its growth partly compensated for a fearful decline in many regions of the south, which were almost deserted except by slaves. They cannot be right if Frank was justified in thinking that the enfranchisement of the Transpadani in 49 added 1 million adult males to the rolls, especially as the Roman communities in Cisalpina and the Latin towns, already enfranchised in 90, must have been fairly populous.[1] How can we decide between these rival views? For 225 there are some rather inadequate numerical data, for the first century none at all. We can at best try to see whether what is known of the economy of the region makes it probable or not that it was densely settled. No comprehensive account of the economy in the Republic seems yet to exist, and the survey may therefore have its own utility. It must be admitted, however, at the outset that it yields no definite conclusion to the initial question, and that in my judgement we must end by accepting the estimate that agrees best with the hypothesis about Italian population as a whole which is most reasonable on other grounds.

(i) *The Enfranchisement of Cisalpina*

The term Gallia Cisalpina is used here to describe 'continental Italy' which for some forty years after the settlement following the Social war formed a province, and which thereafter constituted four of the *regiones* into which Augustus divided Italy, viz. Aemilia (VIII), Liguria (IX), Venetia (X), and Transpadana (XI). Though this area was the scene of much fighting early in the second century B.C., and continued to be regularly allotted to consuls, who might earn cheap triumphs against Alpine tribes or venture on campaigns against barbarians beyond the Alps as late

[1] See Frank, *ESAR* i. 314 f. I am most indebted in this chapter to the works of Ewins and Toynbee, even when I disagree with them; Toynbee has brought out well the importance of the pacification of Cisalpina in the second century. On the economy the works by Chilver and Ruggini, though relating to later periods, cite much evidence that can be used with discrimination for the Republic.

as the time of Marius (Appendix 10), it was not formally a province before 90; for Polybius and Cato, as well as for the annalists whom Livy relied on, it was not yet distinguished from Italy, which extended as far as the Alps.[1] We do not know just when or why it was converted into a province; some attribute the change to Sulla, others to a Lex Pompeia of 89 B.C.[2] It was again incorporated in Italy in 42 B.C., in accordance (we are told) with the design of Caesar.[3] The boundaries of the province were defined by the Alps and the seas, and in the south-east by the river Rubicon. In the south-west Luca must have lain within the province in 56 B.C., as Caesar could meet Pompey and Crassus there, evidently without violating the rule which forbade a proconsul to leave his province,[4] but in the time of Augustus Luca belonged to the seventh region, and the frontier with the ninth (Liguria) lay at the mouth of the Macra.[5] Strabo says too that on the south-east the boundary had once been the Aesis, not the Rubicon. It seems to me unlikely that the Aesis was the frontier at any time after 89 between the new province and 'Italy'. Probably Strabo recalled that the territory between Aesis and Rubicon was the old Ager Gallicus,[6] from which the Gauls had been expelled in the third century, though any remnants left there must have been fully assimilated by the late Republic, so that no one was conscious of their survival.[7] In the north Augustus was also to adjust the frontiers of what had now become Italy by incorporating part of Histria, hitherto in the province of Illyricum;[8] the pacification of Alpine tribes may have extended the frontiers elsewhere. For the present purpose the Ager Gallicus, in which Romans and Latins had been settled since the third century, is excluded from Cisalpina; and the Augustan frontier adjustments are immaterial for a discussion of population, seeing that no precise estimates can be made.

The peoples whom Rome found in Cisalpina were Gauls (who had displaced the Etruscans), Veneti, and Ligurians, often no doubt somewhat mixed. The Veneti were friendly as early as 225[9] and never had to be

[1] Pol. ii. 14; iii. 54; Cato quoted by Servius *ad Aen.* x. 13; Livy xxxii. 28. 8 (cf. Pol. xviii. 11. 2) and elsewhere gives Italy as the *provincia* of magistrates who were to fight in Gaul, though in the second Punic war, when many *provinciae* were in Italy, he specifies Gaul or Ariminum.

[2] There is no evidence one way or the other; the province is first attested in 79 when voted to Sulla (Licin. 32 F.). References to Cisalpina in App. *BC* i. 66, 86 and Cic. *Verr.* ii. 1. 34 cited by U. Ewins, *JRS* 1950, 76 f., do not prove a province before Sulla; the last may be proleptic. It is pure conjecture that the province was constituted by the Lex Pompeia which granted *ius Latii* to the Transpadanes.

[3] App. *BC* v. 3, cf. 22; iii. 30; Dio xlviii. 12.

[4] Cic. *Pis.* 50.

[5] Pliny, *NH* iii. 49 f.

[6] v. 1. 11. Pol. ii. 14. 11 makes what was later called Cisalpina go south to Sena, nearly to the Aesis. Strabo is often out of date and may depend on Polybius. Cf. Beloch *RG* 622 n. 1.

[7] Pol. ii. 19. 11; there was little Roman settlement before 232; *contra* Toynbee i. 87, it does not follow that Polybius is wrong on the expulsion of the Gauls. Rome might have wished to create an uninhabited No Man's Land for security.

[8] Chilver 22.

[9] Pol. ii. 23. 2, 24. 7.

conquered. The chief Gallic peoples were reduced by 190 and the Ligurians in the next twenty years, though there were still later guerilla operations in Liguria and the Alps; the Alpine tribes were not fully pacified before Augustus' time. Roman and Latin settlement in Cisalpina began in 218 and continued in the second century. By 90 there were four or five Roman colonies (I give their Augustan *regiones* in brackets): Mutina (VIII) and Parma (VIII), founded in 183, Luna (VII), founded in 177, Eporedia (XI), established about 100, and, improbably, Dertona (XI);[1] and four to six Latin: Cremona (X) and Placentia (VIII), dated to 218, Bononia (VIII), to 189, Aquileia (X), to 181, probably Luca (VII), if a colony was sent there in 180,[2] and Dertona, if not initially Roman. All these Latin cities must have been enfranchised in 90. Further, in 173 Ligurian and Gallic land conquered in war was divided *viritim* among Romans and Latins. This land had clearly become Ager Romanus, and on my view of the *ius migrationis*, which had been limited but not abolished before the date of the assignations, a Latin who settled under certain conditions in Roman territory became a Roman.[3] If this be so, we do not need to think that there were thereafter Latins in Cisalpina outside the Latin colonies.

A law passed by Cn. Pompeius Strabo gave the Latin right in 89 to the 'Transpadane' communities[4] and attributed to them, i.e. subjected to their administration, some Alpine tribes.[5] In the next generation the Transpadanes agitated for citizenship,[6] which was conceded to them by Caesar in 49.[7] The term 'Transpadani' must at least comprise the Gallic and Venetic peoples north of the Po. Now we may ask how it was that these peoples had not gained the citizenship in the 80s. The Lex Iulia of 90 offered it to all Rome's loyal allies as well as to the Latins.[8] By the mid 80s the former insurgents were also in principle enfranchised.[9] Gauls were found fighting on both sides,[10] but there is at least no reason to believe that there was a general insurrection against Rome by the native population of Cisalpina, and even if there had been, the treatment of the other insurgents

[1] Like Luca, Luna must originally have been in Cisalpina. On Vell. i. 15. 5 (Dertona) cf. Toynbee ii. 675 ff.

[2] On Luca see Toynbee ii. 533 ff.

[3] Livy xxxiv. 42. 5 f. (cf. R. E. Smith, *JRS*, 1954, 18 ff.); Brunt, *JRS*, 1965, 90.

[4] Ascon. 3 C. Mommsen, *GS* i. 180 n. 2 refuted in advance the claim of E. G. Hardy, *Some Problems in Roman History*, 1924, 46 ff. and A. Ferrua, *Inscr. Ital.* ix, *Regio IX*, i, 1948, xiii, that the Lex Pompeia enfranchised Latins in Cisalpina, and Ewins II. 76 ff. demolishes Ferrua's view that it enfranchised all Cispadani. Ferrua's argument from Cic. *Att.* i. 1. 2 on the importance of the 'Gallic' vote misses the fact that in a timocratic assembly it was the votes of the rich that counted; ex-Latins who had obtained the citizenship 'per magistratum' would be rich; hence even Transpadane votes mattered (Cic. *Phil.* ii. 76; Hirtius, *BG* viii. 50); such references do not indicate that the masses had the vote.

[5] Pliny, *NH* iii. 138.

[6] Suet. *Caes.* 8 f.; Dio xxxvii. 9; Cic. *Fam.* viii. 1. 2; *Att.* v. 2. 3.

[7] Dio xli. 36, cf. *FIRA* i. 20. 13 (Lex Roscia).

[8] Cic. *Balb.* 21; App. *BC* i. 49.

[9] Brunt, *JRS* lv, 1965, 107 ff.

[10] *CIL* 1^2. 864 f.; App. *BC* i. 42. 188; Plut. *Sert.* 4. 1 (Romans); App. i. 50. 219 (rebels).

shows that revolt in itself did not ultimately disqualify a people for citizenship. No doubt the natives of Cisalpina were not thought sufficiently Romanized,[1] but this answer is not sufficient. It does not meet the formal question: within what limits was the Lex Iulia, or subsequent legislation on the citizenship, applicable? It will hardly be satisfactory to say that the laws applied within Italy, for until this time it would seem that Cisalpina was reckoned part of Italy: it was by the Lex Pompeia or by an enactment of Sulla that it became a province. It seems to me that we must suppose that the enfranchisement laws of the Social war concerned only peoples 'quibus ex formula togatorum milites in terra Italia imperare solent',[2] and that the peoples of the north (Latins of course excepted) were not among them. It is true that on occasion Gauls and Ligurians did furnish contingents to Rome's armies,[3] but the same is true of provincials.[4] The very use of the phrase quoted in a law of 111, instead of 'quei in terra Italia sunt'[5] or the like, shows that there were peoples in Italy who were not under an obligation to supply soldiers *ex formula togatorum*. That list had doubtless been closed in the third century.

On this basis we can now consider the implications of the fact that it is the Transpadani who are recorded as being without the citizenship from Sulla's time to Caesar's. The description is clearly loose. The old Latin colonies of Cremona and Aquileia were beyond the Po, but we cannot suppose that they were denied the same privileges as other Latins received.[6] However, they constituted only a small fraction of Transpadani, and it was not gravely misleading to ignore them. On the other hand, it would be extremely surprising if the Ligurians who almost all lived south of the Po, but were less civilized than the Gauls and Veneti and had fought longer against Rome than the former, far from being Rome's consistent friends like the latter, were now more favourably treated. And if the *formula togatorum* was the criterion for enfranchisement, the Ligurians had no more right to it than the Transpadani. If they too are ignored by our sources, if it is apparently implied that it was only for the Transpadani that the citizenship was demanded, this can be explained by assuming (what must surely be true) that numerically the Ligurians were far less important, and (what is credible) that these backward hill-dwellers had

[1] Equally, of course, the Lex Pompeia and the subsequent agitation suggest that Romanization had gone a long way. Note publication of Latin documents in Cisalpina, *ILRR* 476 f., *FIRA* iii, no. 163 (which also shows Romanization in nomenclature in 117 B.C., see Chilver 72).

[2] *FIRA* i, no. 8, v. 21.

[3] Gauls, Livy xli. 1. 8, 5. 5 (178, Histria), cf. p. 168 n. 10; for levies in civil wars 87–82 see App. *BC* i. 66. 303, 67. 308, 75. 344, 86. 393, 92. 424. Ligurians, Livy xlii. 35. 6 (171, Macedon); Sall. *BJ* 38. 6, 77. 4, 93. 2, 100. 2; Plut. *Mar.* 19 (Cimbric war).

[4] For instance in Spain (Appendix 23); the employment of mercenaries (e.g. Cretan slingers) or troops sent by client kings (especially Numidians) is rather different.

[5] *FIRA* i, no. 8. 11.

[6] Beloch, *RG* 622, expressed needless doubts on Aquileia.

no interest in political advancement. But we may assume that they too obtained Latin rights by the Lex Pompeia.[1]

Some doubts may arise over the status after 89 of Genua and Ravenna. Genua was an old friend of Rome and had been the base for campaigns of conquest in Cisalpina.[2] Ravenna is described by Strabo as an Umbrian settlement which had received Roman settlers.[3] Nothing else is known of such settlement; Ravenna never became a colony, and Strabo may be thinking of settlers who migrated there individually to trade. Since parts of his account of Cisalpina go back to a source or sources of the second century,[4] what he says of Ravenna may refer to a time before the Social war. His assertion that it was Umbrian is more important for our purpose than the presence of Romans there. Can Ravenna have been denied the rights accorded to the other Umbrians? It is sometimes supposed that Ravenna remained non-Roman until 49 (in which case it must have been among the beneficiaries of the Lex Pompeia) because Cicero calls it a 'civitas foederata' at the time when Pompeius Strabo enfranchised one of its citizens.[5] But Pompeius' action may be dated either before the Lex Iulia was passed,[6] or before Ravenna took advantage of it. Nor can any valid inference be drawn from the fact that a political exile sought refuge there in 51.[7] The explanation may be either that Ravenna, as a Latin city, was strictly outside Roman jurisdiction, or that Caesar, in whose province the town lay, was ready to accord him protection and that he found Ravenna a salubrious residence.

Some of the old Gallic or Ligurian inhabitants must have continued to dwell within the territories of the Roman or Latin colonies, e.g. Bononia (p. 192).[8] They did not form separate communities, and *attributio* (p. 171 n. 2) is not attested in Aemilia. Doubtless they were *deditícii*, and originally had no political rights. It seems possible or likely to me that they were gradually and surreptitiously enfranchised by the cities themselves. Tacitus says that Cremona 'adnexu conubiisque gentium adolevit'.[9] The Roman government would probably not have controlled grants of the local franchise

[1] The name Alba Pompeia suggests that Pompeius was active in Liguria (conjectures in Ewins II. 84 f.); it does not follow that he made it a *Latin* colony (Beloch, *RG* 622); this is probable, only on the general consideration given in the text. Cf. Chilver 7 f.

[2] Toynbee ii. 260 ff. [3] v. 1. 11, cf. 10, 2. 10.

[4] Instances in Chilver 23 (Tergeste, v. 1. 9; vii. 5. 2), 30 f., 37 f., 140 (trade from Aquileia), 53 (Butrium and Spina); see also his article on a text in v. 1. 11 in *JRS* xxviii, 1938, 126 ff., and p. 167 n. 7 above. Elsewhere of course there are specific references to the time of Augustus, e.g. iv. 6. 7 (foundation of Augusta Praetoria), v. 1. 1 (inclusion of Histria in Italy), iv. 6. 4 (province of Maritime Alps).

[5] Cic. *Balb.* 50.

[6] Under a Lex Calpurnia (Sisenna fr. 120), cf. Diod. xxxvii. 18.

[7] Cic. *Rasw.* viii. 2. 4.

[8] Traces of Celtic influence have been discerned in the modern dialect of Aemilia, Toynbee ii. 664 n. 1. See Appendix 11 on Forum Gallorum, etc.

[9] *Hist.* iii. 34; for an alleged instance at Placentia, Cic. *Pis.* 53, cf. frr. xi–xv.

by a Latin city. And on the hypothesis that Roman municipalities made returns of their citizens which the censors accepted (pp. 36 ff.), they too could in practice easily have conferred local rights and by implication the Roman citizenship. In law this must have been an abuse, but that does not prove that it did not occur. Claudius confirmed the usurpation of citizenship by the Anauni, partly because they could not be deprived of their illegal status without grave damage to Tridentum; obviously there had been intermarriage and inheritance between Tridentines and the attributed Anauni, who had probably been accorded local civic rights and hence come to be regarded as Roman. Here too we may find an explanation of the mysterious passage in which Dio Chrysostom says that the Roman colony of Apamea had granted local citizenship and offices to Prusans and 'given them a share in those proud privileges that belong to the Roman citizen body', though this *may* mean only that Apamea had procured grants from the emperor.[1]

North of the Po some Alpine tribes were placed under the government of the new Latin colonies by Pompeius Strabo; Augustus was to extend *attributio* to other tribes.[2] In the Principate some such *attributi* themselves had the Latin right, while others remained unprivileged; only three tribes benefited from Claudius' measure. None of these Alpine peoples concern my inquiry, for none had been enfranchised by A.D. 14, though individual tribesmen obtained the citizenship, especially as a reward for military service.[3] In any event, they can hardly have been numerous. We are told indeed that the Salassi, reduced to slavery in 25, numbered 44,000, including 8,000 warriors. Beloch remarked that if this estimate is to be taken seriously we must assume that some 4,000 warriors had already been killed, in order to establish a plausible ratio between adult males and total population, and that on this basis the Val d'Aosta would have had nearly 50,000 inhabitants against 82,000 in the late nineteenth century. He could not credit this, and suggested that the figure must rest on the exaggerations of the victor's report or include some other Alpine tribes. This is probably right.[4] The Salassi had, however, special advantages,[5] and as a result might perhaps have been exceptionally populous.

Before 90 then the Romans in Cisalpina consisted of the citizens of the colonies and the descendants of the viritane settlers of 173, together with any who had since domiciled themselves in the region as businessmen or

[1] *ILS* 206; Dio Chrys. xli. 10. Cf. pp. 42, 208, 254.

[2] Pliny, *NH* iii. 137, 138; *ILS* 206, 6680, cf. *RE* Supp. vii. 68 ff. (Kornemann); Chilver 23 ff.

[3] Chilver 71 ff.

[4] Strabo iv. 6. 7, cf. Dio liii. 25 (but see *ILS* 6753 with comments of E. Pais, *Dalle guerre puniche* ii. 375 ff. for Salassi who lived in the colony of Augusta Praetoria as *incolae*, some of whom were soon to be enfranchised, see Keppie (cited p. 84 n. 4) 205 ff.]

[5] They levied tolls on Alpine travellers, and controlled gold-mines, or later the water needed to wash the gold, see Strabo, loc. cit., Dio fr. 74; App. *Ill.* 17.

landowners. (We cannot be certain that the assignations in 173 were the last.) A few Latins had also secured the citizenship 'per magistratum'. As a result of the Social war the Latin colonies, and perhaps Genua and Ravenna, were enfranchised. Other Latins or Italians domiciled in Cisalpina would certainly have obtained the citizenship, if registered in their cities of ultimate origin; others might perhaps have been admitted through the local magistrates of the new or old Roman towns in Cisalpina; intermarriage with natives who lacked *conubium* was probably no bar (cf. p. 170 n. 9). The remaining communities, Ligurian as well as Gallic and Venetic, became Latin in status. All of these (perhaps Genua and Ravenna too) are loosely called Transpadani. They in turn received the citizenship in 49. The Alpine tribesmen still remained unprivileged throughout our period, but far the greater part of the inhabitants of Cisalpina were entitled to be registered in the Augustan censuses.

(ii) *Geographical Considerations*

On Beloch's computation the continental part of Italy, i.e. Cisalpina, comprised 116,000 square kilometres as against 140,000 in the peninsular part. However, most of Cisalpina consists of barren mountains or of upland valleys which were sparsely populated, and so far as the Alps are concerned, not inhabited by people who enjoyed Roman citizenship in the Republican or Augustan periods. The Po basin, including the lower valleys of its tributaries and the valleys of other rivers such as the Adige which debouch into the Adriatic, comprises less than a third.[1] Of the whole area this part is now rivalled in Italy only by Campania in density of population: with only 16 per cent of the area of the modern Italian state, it contains 40 per cent of the people.[2] Of course there are now large industrial cities here, of the kind which did not exist in antiquity, but the density of agricultural population is also high; thus in Lombardy, even when the inhabitants of the *capoluoghi* are deducted, there were more persons per square kilometre than in any regions (*capoluoghi* included) except Veneto, Lazio, and Campania, according to the census of 1961.[3] Lombardy shows the highest wheat yields in Italy, and the north produces a great part of Italy's cereals.[4] In antiquity too the prosperity of Cisalpina provoked the admiration of Polybius and Strabo; Cicero described it (for political purposes) as 'flos Italiae, firmamentum imperii Romani, ornamentum dignitatis'[5] and Tacitus as 'florentissimum latus Italiae' (referring to A.D. 69).[6] It is therefore easy prima facie to suppose that it had a relatively large population by the time of

[1] Beloch, *Bev.* 431.
[2] G. B. Walker, *Geography of Italy*, 1958, 135.
[3] G. de Meo and others, *Popolazione agricoltura industria e commercio nei censimenti italiani del 1961*, 1962, 29.
[4] Walker, op. cit. 128 ff., cf. 109–42 for N. Italy.
[5] *Phil.* iii. 13. [6] *Hist.* ii. 17.

Augustus. Frank believed that the Transpadani alone were one-third of all citizens after their enfranchisement; probably he supposed the ratio of the total population of Cisalpina to that of all Italy to be comparable with the modern ratio. At a glance that is not incredible. However, there are reasons for thinking that the agricultural supremacy of north Italy is the product of a long development, which may not have gone very far within our period.

The Po basin, which Strabo compared to the Nile valley and a modern writer to the Netherlands, has been reclaimed by the hand of man.[1] The plain is well watered not only by the rivers but also by a chain of *fontanili* in which the Alpine waters come to the surface through impervious soil to the north of the flood-plain; there is a similar line on the Emilian side, less continuous and abundant. The benefit of this water-supply can be enjoyed only as a result of the construction of an elaborate system of irrigation, dykes, canals, and dams, and to some extent of the direction of the streams laden with rich alluvium into prepared areas, in which the surface of the soil can be built up (*colmate naturali*). The reclamation of the land has gone on from remote prehistory to the present century. To take a single instance, Ferrara was a swamp until the late Middle Ages. The process has not been continuous; there have been times of regression, as in the barbarian invasions in the late Roman empire. The expulsion of the Etruscans by the Gauls and the Roman conquest itself must have temporarily dislocated irrigation and reclamation works. The question is how far reclamation had proceeded in the Republic. Naturally we have no statistics.[2]

The protection of cultivable lands against the rivers was always a hard task. The Po, Adige, etc., and their tributaries are liable to destructive floods as a result of heavy rains or of the melting of mountain snows.[3] The maximum flow of the Po on discharge into the sea is today 15 times the minimum, and the volume of water brought down by other rivers is subject to even greater variation.[4] It has been conjectured that the deforestation has aggravated these variations since antiquity; however that may be, grave inundations are reported in Roman times, despite the building of dykes and canals; to the elder Pliny the Po was 'gravis terrae, quamvis diductus in *flumina et fossas*'.[5] Obsequens says that in 108 B.C. a flood caused the loss of many thousands of lives. Another occurred in 41[6] and no doubt inspired Virgil's description:

> proluit insano contorquens vertice silvas
> fluviorum rex Eridanus camposque per omnis
> cum stabulis armenta tulit.

[1] Toynbee ii. 252 ff. gives an admirable description; Strabo v. 1. 5. Cf. p. 172 n. 4.
[2] Beloch, *Klio* iii. 479 f., 487.
[3] See, for instance, L. Ruggini 58, 276 ff. on their effects. For reclamation since ancient times see Walker 54, 57, 63 ff., 120 ff., 125 ff., 132 ff.
[4] Walker 120 ff. [5] *NH* iii. 119. [6] Obsequens 40, 68.

To Virgil the Po was the most violent of streams—

> quo non alius per pinguia culta
> *in mare purpureum violentior effluit amnis.*[1]

So too to Lucan:[2]

> sic pleno Padus ore tumens super aggere tutas
> excurrit ripas et totos concutit agros.
> succubuit si qua tellus cumulumque furentem
> undarum non passa ruit, tum flumine toto
> transit et ignotos aperit sibi gurgite campos.
> illos terra fugit dominos, his rura colonis
> accedunt donante Pado.

We have similar descriptions from the late empire.[3]

The extent of the damage that might be done is illuminated by a comparison drawn by Nissen: in 1872 3,000 square kilometres were inundated, and the damage was not repaired for two years.[4] It is not surprising that in ancient (and indeed modern) times no city stands on the banks below Cremona, and none on the Adige below Verona (whose walls were undermined by a flood in A.D. 589/90).[5] Remarks by the *gromatici* serve as a sober commentary on the poets.[6] We hear that intricate controversies arose when a river changed its course, creating islands and depriving one owner of land at the same time as it endowed another with new alluvial soil.[7] 'These controversies', says Frontinus, who refers particularly to such changes of course in the Po, 'are most common in Gallia Togata; the land is woven of many streams and conveys the enormous snows of the Alps to the sea, besides suffering damage from unforeseen floods due to sudden rainstorms.' It rested with the individual proprietor in his own self-interest to bank up the stream with an *agger* of the kind Lucan mentions, though in such a way as not to inflict any injury on his neighbour; naturally he would also seek to improve his land and take off the water by constructing irrigation channels. Such works offered him no protection against a great flood. The great

[1] *Georg.* iv. 372 f.; i. 481 ff. [2] vi. 272 ff.

[3] Ruggini quotes the texts (Ennod. *Carm.* i. 5; Ps-Ambr. *Hymn.* iii. 11–22; Paul Diac. *Hist. Lang.* ii. 23 *f.*; see also Ennod. *vit. Epiph.* 336 (Hartel)), pp. 469 n. 668, 481 n. 735; for bibliography on Po, 169 n. 494.

[4] Nissen i. 210. [5] Ruggini 481 n. 735.

[6] See 49. 17–51. 16 *f.* (G), 124. 3–126. 2 (Lachmann) with Rudorff's comments (*Grom. Veteres* ii. 451 ff.), and *Dig.* xli. i. 7. 1–6, 12 *pr.*, 16, 29, 30 *pr.*, 30. 2–3, 38, 56, 65. 2–3; xliii. 12.

[7] Cf. Ennod. *vit. Epiph.* 336 Hartel: 'terrarum marginem gulosus Padani gurgitis morsus adrodit et flexuose serpens fluvius largitur in compendio alterius quod furatur ab altero simulque fit lucrum finitimi aliena calamitas.' But both could be losers if 'quod hic forte cultum et pingue solum amiserit, aput illum harenae lapides et limum abluvio invectum remanserit' (Agennius Urb., 82 L.). Pliny, *NH* iii. 117 takes an optimistic view in saying of the Po 'nihil tamen ex rapto alibi vindicans atque, ubi liquit, ubertate largitor'; it was no consolation to one owner if another gained from rich alluvium what he had lost.

imperial jurist, C. Cassius Longinus (*cos.* A.D. 30), ruled that he was to be compensated for land he lost from a change of the river's course out of that which was now left dry, provided that the river 'maiore vi decurrens alveum mutasset', but he was to lose 'quidquid aqua lambiscendo abstulerit . . . quoniam scilicet ripam suam sine alterius damno tueri debet'. It looks as if the first ruling was a novel concession.[1] We do not hear that the state or municipality assumed responsibility for regular conservation of the river banks.[2]

More important perhaps than occasional inundations was the fact that much land which has since been drained or cleared remained swampy or afforested. Strabo said that the whole country was filled with rivers and marshes, particularly Venetia, where the tides of the Adriatic helped to form lagoons.[3] True, the land here had been intersected by dykes and channels which were often navigable, and some parts had been drained and made cultivable, but the cities were partly or wholly encircled by water. Strabo describes Patavium as near the marshes and connected with the sea by inland waterways; Ravenna and Altinum were 'in the marshes' (Ravenna is depicted as an ancient Venice);[4] Opitergium, Concordia, Atria, and Vicetia and other small towns were 'subject to less annoyance' from the marshes though connected by water with the Adriatic.[5] This part of Strabo's description is not antiquated, for Vitruvius too refers to the Gallic marshes surrounding Altinum, Aquileia, and Ravenna; like Strabo, he notes the healthiness of Ravenna.[6] The drainage operations in Venetia no doubt went back to very early times; in describing the delta of the Po (which silted at its mouth), Pliny mentions an outlet constructed by the Etruscans, improved or rebuilt in his own day as the *fossa Flavia*; Augustus and Claudius also built *fossae*.[7] Thus at times the government undertook improvements in the major navigable streams in the delta, useful for the transport of military supplies.

Further up the Po basin we again have evidence of marshes and of drainage. Strabo says that much of Cispadana used to be covered by marshes; he believed, though wrongly, that it was in these marshes that Hannibal suffered when crossing the Apennines. M. Aemilius Scaurus, however, had drained the plains round Parma by running navigable canals from the Po to that colony, whether as consul in 115 or as censor in 109 we do not know. Since transport by water was cheaper than by land, we might surmise that Scaurus' primary purpose was to facilitate the movement of military

[1] The rules differed with different categories of land (Rudorff, p. 174 n. 6); this cannot be discussed here.

[2] C. Jullian, *Hist. de la Gaule* v. 129 ff. notes that Rome did not concern herself with improvements and works on the Gallic rivers, except for the Rhine as a military artery. But cf. text to n. 7.

[3] v. 1. 5. [4] v. 1. 7. [5] v. 1. 8. [6] i. 4. 11.

[7] Pliny, *NH* iii. 119 ff. on which see R. Chevallier, *REL* xxx, 1962, 141 ff.

supplies; he also built a military road from Vada Sabatia to Dertona.[1] We may compare the activity of Augustus and later emperors in the Po delta; Cisalpina remained a supply base for armies on the Danube. Complete drainage demanded the construction of many smaller irrigation channels and dykes, which must have been a gradual process and presumably was left to private proprietors.

There was certainly much settlement on either side of the Via Aemilia, yet in one part of the road between Bononia and Mutina it was still a narrow platform between marshes and forests as late as 43.[2] This we know from a detailed description of the fighting between Antony and the consuls; in general such evidence is not available, and though Tacitus alludes to marshes near Hostilia,[3] we have hardly any information for the land north of the Po, where the *fontanili* as well as the rivers required irrigation works. Probably, as Beloch held, much marshland was not drained until the Renaissance.[4] Lellia Ruggini has collected place-names which attest the existence of zones once marshy, forested, deserted or liable to floods; some of these may go back no further than the early Middle Ages, when wars had interfered with the maintenance of embankments and channels and vastly increased the area of swamps.[5] South of the Alpine *fontanili* and by the rivers, especially in the delta, such swamps still survive; obviously in antiquity they were far more extensive.

Much of the country was also still afforested in parts where there are now no woods. Chilver has assembled some of the evidence, including material from late antiquity or the early Middle Ages.[6] But he minimizes its importance by asserting that 'most of these woods were in that part of the district which is not pre-eminently valuable for agriculture'. This can hardly be conceded for the Republican period. References to the wooded banks of the rivers and to the trees that they swept away in flood[7] do not indeed tell us that the forests in the vicinity of the rivers were extensive, and some allusions to forests in accounts of campaigns against Gauls and Ligurians in the early second century may readily be referred to the Apennines;[8] Strabo mentions the good supply of pitch, but the location of the pine-woods is not known.[9] But there is some more significant evidence.[10]

[1] Strabo v. 1. 11 (see Toynbee ii. 257 n. 3), cf. Livy xxxiv. 48. 1 (194). For waterways as supply routes see Harmand 165 n. 127; Strabo vii. 3. 13.

[2] Cic. *Fam.* x. 30. 2; App. *BC* iii. 66 f.; Front. *Strat.* ii. 5. 30. Cf. Tac. *Hist.* ii. 41. 3: 'praeruptis utrimque fossis via quieto quoque agmini angusta'.

[3] *Hist.* iii. 9. 1. [See P. Tozzi, *Athen.* 1970, 110]

[4] *Bev.* 427.

[5] Ruggini 65 n. 162; other late evidence, 425, 458–60; growth after Gothic war, 425 n. 857.

[6] Chilver 130 ff.

[7] e.g. Lucan ii. 408 ff.; Sid. Apoll. *ep.* i. 5. 4, cf. p. 174 n. 1.

[8] Pol. iii. 118, cf. Livy xxiii. 24 (216); xxxi. 2. 10; xxxiii. 37. 4; xxxiv. 22. 1, 48. 1; Diod. v. 39. 2 (Liguria).

[9] v. 1. 12.

[10] Pol. iii. 40. 12; Livy xxi. 25. 9.

In 218 the praetor, L. Manlius, moving to the relief of a garrison at Mutina, presumably marched along the line of the later Via Aemilia, and Livy remarks: 'silvae tunc circa viam erant, plerisque incultis.' This indeed implies that the woods had been cut down in his day (it was a region he must have known well), but we may note that there were still forests as well as marshes between Mutina and Bononia in 43 (*supra*). Polybius drew attention to the great oak-stands, on whose acorns innumerable pigs were fed, the chief source of pork for private families and armies in Italy.[1] They were located, as he says expressly, in the plains; there is in fact reason to doubt whether Polybius on his visit to Cisalpina, perhaps about 150 B.C., saw much of the country outside the settled area round the Via Aemilia. Cato was impressed by the enormous Insubrian flitches of bacon.[2] Strabo too says that 'the forests bear such an abundance of acorns that Rome is largely fed on the herds of Cisalpinic swine'.[3] The statement comes from a chapter which is not wholly dependent on Polybius, and we need not assume that he is merely repeating that author; equally, we cannot be sure that he is describing contemporary conditions. He does not indicate just where the swine were pastured; scrub oak grows wild on Apennine hillsides and provides acorns, and we cannot infer that there were still great oak forests in the plains. Tacitus tells that in A.D. 69 at a point 12 miles from Cremona on the Placentia road Caecina laid an ambush 'imminentibus viae lucis', a phrase which suggests forests rather than plantations; but a little later we hear of only a 'modica silva' close to vineyards, and the reference to 'densis arbustis' in which the Vitellians were hidden at the first battle of Bedriacum probably indicates a plantation of trees on which vines were trained;[4] in general his narrative seems to reveal an open country, intersected by streams and partly covered with vines.[5] But he is describing conditions half a century later than the end of our period and in the territory of one of the oldest colonies. Deforestation was perhaps slowest outside the area of Roman and Latin settlement.[6] Moreover the Cisalpinic practice of training vines on tall trees is significant; such trees could have been relics of the primeval forest, hardly to be seen today. Chilver indeed has observed that if in antiquity more cultivable land was still forested, that was no less true in other parts of Italy; thus the relative superiority of Cisalpina might have been as great as in modern times. However, the peoples of peninsular Italy had been civilized longer than those of the north, and their forests may have been denuded rather earlier, especially for the purpose of shipbuilding. And if the rest of Italy was itself thinly populated, the relative superiority of the north would not have entailed a very high density of settlement.

[1] ii. 15. 2 f. [2] Varro, *RR* ii. 4. 10 f. [3] v. 1. 12.
[4] *Hist.* ii. 24, 41. [5] *Hist.* ii. 25, 39, 42.
[6] Late evidence in Ruggini 30 n. 50, 433, 493 ff. See also Paul Diac. *Hist. Lang.* v. 37, 39; vi. 58.

Nissen noted that in Transpadana inscriptions are hardly ever found in the Alpine valleys, seldom in the low country; they are most common in the hilly land between the mountains and the plain. Thus in the territory of Vercellae they are more frequent in the hills than in the plain, and in that of Mediolanum more have been discovered in land south of the lakes, suited to fruit cultivation, than in the pastures near the Po. This might suggest that much of the soil now most fertile was not yet cleared or drained. Chilver remarked, however, that later building and development has lessened the chance of finds, and the fact that the depth of the soil has been built up in the low country must have had the same effect. I am also told that there have been many more finds since Nissen wrote. An archaeological judgement on his opinion is required.[1]

The fertility of much of the cultivated land in Cisalpina is of course beyond doubt. Polybius found that wheat, barley, and wine were astonishingly cheap and comments on the low charges made in inns.[2] Naturally living costs may have been low in monetary terms because little money was circulating. Moreover, in his time settlement had not gone far and the settlers had the advantage of working much virgin soil. He also speaks of the abundance of millet and panic, crops well suited to the colder climate, from which a nourishing porridge could be made. Strabo too noted that the production of millet was exceptional; he adds that it is the greatest preventive of famine, yielding well in bad seasons when other cereals fail.[3] Similarly Pliny reports that panic was used in Cisalpina for bread, often with an admixture of dry beans.[4] These were not foods which earned much commendation from Roman writers, although Columella asserts that bread made of millet was palatable when warm, and porridge of either millet or panic an agreeable food, if mixed with milk, even when there was no scarcity;[5] but Cato gave wheaten bread to his slaves[6] and it is plain that men resorted to millet and panic only when they could get nothing better; 'coloni' (cultivators of the soil) ate them, according to Columella, in many districts.[7] Pliny says that north of the Po turnips ranked third as a crop to wine and cereals; they would grow where nothing else would, and actually throve on mist, frost, and cold, and served as a precaution against scarcity.[8] The importance of millet and panic (which could be sown best in spring, when perhaps wheat, normally sown in winter, had not withstood the rigour or excessive wetness of the continental climate)[9] and of turnips in the agriculture

[1] ii. 1. 162, 176, 184; Chilver 52, cf. p. 202.

[2] ii. 15, cf. 14. 7 ('the largest and best plain in Europe').

[3] v. 1. 12. Col. ii. 9. 17 (*contra* Pliny, *NH* xviii. 101) agreed that millet prospered in wettish soil.

[4] *NH* xviii. 101. [5] ii. 9. 19. [6] *De agric.* 56.

[7] ii. 9. 17. Cf. Pliny, *NH* xviii. 54: 'panis multifariam *et* a milio fit, e panico rarus.'

[8] *NH* xviii. 127; Col. ii. 10. 22 says of turnips and navews that 'utraque rusticos implent'. Cf. Galen cited by Jones, *Later Roman Empire* i. 10.

[9] Spring sowings, Col. ii. 9. 18, not recommended for wheat, ii. 9. 7 f.

of Cisalpina may suggest that the cereals which were preferred did not always flourish in conditions which were presumably colder and wetter then than they are now, so much more of the country being under forest or water. The Taurini had to rely on rye, which yielded abundantly but in Pliny's view was unpalatable and indigestible, 'tantum ad arcendam famem';[1] it is still extensively raised in Piedmont, and perhaps the natives did not share Pliny's distaste. None the less, wheat and emmer (for instance in Verona) were also grown abundantly,[2] and the weight of Cisalpine emmer was almost the highest in Italy.[3] Strabo was impressed by the fertility of the Padane plain, diversified by fruitful hills, and by the wealth of the cities,[4] and though the area of cultivation was probably much smaller than it is today, and the climate damper, this judgement, though it may be qualified, must not be set aside.

The most striking difference between Cisalpina and the rest of Italy was its inland water-system. The whole country, says Strabo, was filled with rivers.[5] The Po was navigable, according to Polybius, for 2,000 stades as far as the Tanarus,[6] according to Pliny, up to Turin;[7] no doubt navigation in his day went further upstream, because the upper valley required it once Augustus had established a colony at Turin. Strabo says it took 2 days and 2 nights to go down from Placentia to Ravenna.[8] (His statement does not imply that there was no navigation beyond Placentia.) M. Scaurus had also connected Parma with the Po (p. 175). A canal 250 stades long brought goods from Patavium to the harbour of Medoacus, and the lesser cities of Venetia also had water communications with the Adriatic.[9] Strabo actually believed that it was possible to proceed by inland waterway across the Alps from Aquileia to Noreia; probably the Tiliaventum or Aesontius was used for transport as far as possible.[10] Pliny says that the Po carried on its bounteous channel all the products of the seas into Transpadana.[11] The admiration expressed for this water-system is analogous to that felt by Herodotus for the great rivers of Russia[12] and by Strabo for those of Gaul, especially the Rhone.[13] Until the railway age inland transport by water was always cheaper and more comfortable than by land, and this was especially true in antiquity, when the alternatives were to carry goods on mule-packs[14] or to haul them with slow-moving and tenderfooted oxen or with inefficiently harnessed and unshod horses.[15] But most Mediterranean rivers tend to

[1] *NH* xviii. 141.
[2] Ibid. 109 (not rye, cf. L. A. Moritz, *Grain-Mills and Flour in Classical Antiquity*, 1958, 148, *contra* Chilver 133).
[3] Ibid. 66. [4] v. 1. 4, cf. 12. [5] v. 1. 5.
[6] ii. 16. 10. [7] *NH* iii. 123.
[8] v. 1. 11. Cassiod. *Var.* ii. 45 gives 5 days up to Pavia. [9] v. 1. 11, 7, 8.
[10] v. 1. 8, cf. Chilver 30. [11] *NH* iii. 123. [12] iv. 47–56, 82.
[13] iv. 1. 2, cf. 11 and 14. See also Tac. *Ann.* xiii. 53. [14] Varro, *RR* ii. 6. 5.
[15] Lynn White Jr., *Mediaeval Technology and Social Change*, 1962, 5 ff. (with bibliography).

be torrential in the wet season and to evaporate in the dry; the rivers of Cisalpina, like those of Russia and Gaul, were revelations.

Unfortunately the merits of the inland waterways of Cisalpina were limited by the inaccessibility of the region. It did not matter so much that the Po silted at its mouth, for channels could be and were carefully dredged.[1] If no great commercial port existed there, other reasons must be found.[2] The mouth of the Po was itself far distant from most Mediterranean markets; the Adriatic was notoriously stormy;[3] the eastern shore of Italy has few harbours, and the opposite coast of the Adriatic gave refuge to pirates, who may not have been altogether suppressed until Augustus created the fleet at Ravenna.[4] Suppose that Cisalpina had or could have grown a surplus of grain: its produce could hardly compete at Rome with that drawn from the nearer sources of supply in Sardinia, Sicily, and Africa, the 'tria frumentaria subsidia' of Rome in the Republic, not to speak of the grain from Campania which was vital to the city in the Social war,[5] or that which was produced locally or shipped down the Tiber from Etruria; in such years as 43–36, when Italy was largely cut off from sources beyond the sea, Rome must have been fed from Italian production.[6] At such times Cisalpine grain too may have been imported into the city (in some degree over land, despite the heavy cost); it has been argued that in crises in the fourth century A.D. private traders in grain from Cisalpina contributed to the city's stocks, though it normally supplied the court and army based on Milan.[7] Egypt, certainly, was more distant still, but here the imperial government had tax-grain to dispose of.

It may be said that there was a shorter route to Rome and the south via Genua. Recently Toynbee has emphasized the strategic importance of Genua in the conquest of Cisalpina.[8] The passes over the Apennines both from Genua and Vada Sabatia are relatively short and easy. But that did not make them economical for trade. It is over 50 Roman miles from Genua to Dertona. To move grain so far by wagon would have cost under Diocletian's tariff [18 to 36 per cent] of the permitted retail price.[9] It may be presumed that when the transportation costs of moving grain from other parts of Cisalpina to Dertona and from Genua to Rome were added, the

[1] Nissen i. 202 ff., cf. p. 175 n. 7. [2] Chilver 29. [3] Nissen i. 94.

[4] Livy x. 2. 4 refers to 'laeva importuosa Italiae litora' and to the pirates in Illyricum; the description would have been true long after 302, see H. A. Ormerod, *Piracy in the Ancient World*, 1924, ch. V.

[5] Cic. *de imp. Cn. Pomp.* 34; *leg. agr.* ii. 80.

[6] This merits further discussion, out of place here.

[7] Ruggini, 112 ff., 139, cf. 149 f. (transport difficulty). [8] ii. 261 ff.

[9] [I follow R. Duncan-Jones (p. 718 n. 3) App. 17, who gives modern parallels. Diocletian's Edict illuminates the relation of transport costs to prices throughout the classical period, as conditions had not changed.] A. Burford, *Econ. Hist. Rev.* ii, 1960, 1 ff. is most misleading in assuming that what a state could do was also economical for private trade, cf. p. 181.

total would have proved in normal times prohibitive. Ruggini has remarked on the lack of close relations in the late empire between Cisalpina and Provence.[1] This is not so surprising. The fortunes of Genoa seem to have been made in the Middle Ages by the conquest of Corsica and Sardinia, and the far-flung trading connections resulting from her part in the crusades: only in the railway age has the city become a great outlet for trade with the Po basin. For Strabo it was merely the emporium for the poor Ligurian country.[2] It has left few inscriptions, is seldom named in the literary sources, and probably was a place of no great note. As for Vada Sabatia, the modern Savona, Decimus Brutus was not sure that Cicero would know where it was.[3]

Timber could of course be floated downstream and was, we might think, particularly suited for export from the Po basin. Pliny mentions that Tiberius had larches cut in Raetia for a *naumachia* at Rome, and the wood must have come through Cisalpina. Larch wood was held to be more impervious to fire than most kinds of timber and would therefore have been of special value at Rome for building purposes. Larches grew both on the banks of the Po (and timber was floated downstream to Ravenna) and near the Picene ports of Ancona, Fanum, and Pisaurum, but Vitruvius says that there was no provision for bringing it regularly to Rome; evidently it was too costly to transport. The private builder could not afford to import as the emperor might, more or less regardless of expense.[4]

It is not to be maintained that the economy of Cisalpina was wholly self-contained. There was, for instance, the famous traffic in wine, oil, etc. for slaves, hides, and cattle with the north-east through Aquileia, which seems to be earlier than the annexation of Noricum.[5] Cremona had a fair which in A.D. 69 attracted merchants from all over Italy.[6] In general, it is not easy to say what they bought or sold. Chilver has collected evidence for Cisalpine industries, mining,[7] metal-work, cutting and working of timber, pottery and tiles (industries whose importance in antiquity is generally over-estimated because they are more apt to leave archaeological traces),[8] glass, and jewellery.[9] It is not very impressive and hardly betokens a great

[1] Ruggini 290 n. 232.

[2] iv. 6. 1 and 2 (cf. v. 1. 3); the imports 'from Italy' must surely be by sea, not from Piedmont (*contra* Chilver 139).

[3] *Fam.* xi. 13A. [4] *NH* xvi. 190; Vitruv. ii. 9. 14–16. [cf. ii. 7. 3 ff.]

[5] Strabo v. 1. 8, cf. iv. 6. 9; Hdn. viii. 8. 3; see Chilver 30.

[6] Tac. *Hist.* iii. 30. Ibid. 34 explains Cremona's prosperity 'numero colonorum, opportunitate fluminum, ubere agri'; if it did not recover after 69 (Chilver 58), its prosperity was not securely based. For a fair each year in Macri Campi (primarily for wool-sales?), Strabo v. 1. 11.

[7] Strabo v. 1. 12 says the mines were disused.

[8] Only fine pottery can have been much exported as between Mediterranean cities, cf. Pliny, *NH* xxxv. 160–5.

[9] Chilver, ch. x, cf. *ESAR* v. 107 ff., 185 ff. Ligurian shipbuilding was notable, Strabo iv. 6. 2.

export trade. Industry was naturally in the hands of small craftsmen, and they could sell for export small articles of special value which could stand the cost of transport. Wool was certainly important. Strabo calls attention to the fine soft wool produced round Mutina, to the coarse fabric of Liguria with which 'the greater part of Italian households are clothed' (i.e. woollens for slaves), and the costly carpets and covers of Patavium.[1] The cheaper products of the Ligurians, shipped through ports such as Genoa on the Tyrrhene sea, were significantly closer to the Roman market; but Frank notes the considerable number of *centonarii*, makers of shoddy, throughout the north.[2] Other woollens seem to have been luxuries. Columella thought the wool of Altinum and of the Macri Campi round Parma and Mutina better than the best south Italy could furnish,[3] but perhaps taste fluctuated; Martial still gives Apulia the first prize, Parma and Altinum the second and third.[4] Wool could be economically transported over a long distance, but given the fewness of the rich, the low purchasing power of the many, the prevalence of domestic production[5] and the competition from Apulia (pp. 373 ff.), the export market must have been rather limited and easily saturated.[6] In industry, as in agriculture, each locality sought to be as self-sufficient as possible.[7]

Pliny put wine first among the products of Cisalpina. His criterion must have been profitability; though *vin ordinaire* ranked as a necessity (Cato gave it to slaves), it is inconceivable that there was a larger acreage under vines than under cereals. Profits must have depended on the export of 'noble' wines. This too was a luxury trade. Chilver remarks how virtually every district in Cisalpina, even the most unsuitable, aimed at producing wine for local consumption. What was true in Cisalpina must have been true also in every wine-growing land, especially where the costs of conveyance were higher than in the Po valley. Only the well-to-do could afford to vary their drinks.[8] [See Addenda, pp. 708 f.]

It is curious that Venetia in the time of Strabo or his source imported cattle and hides and had ceased to breed horses. But no doubt pigs were

[1] v. 1. 12.

[2] *ESAR* v. 205 f.

[3] vii. 2. 3. Cf. ibid. 4, refuting Frank's view (*ESAR* v. 119 n. 25, 203 n. 47) that Pollentia produced wool for slaves' clothing.

[4] xiv. 155. Pliny, *NH* viii. 190 is rather undecided.

[5] *ESAR* v. 199 ff., cf. p. 144 n. 1.

[6] Chilver 166 f. conjectures than an Apulian 'negotiator sagarius' found at Mediolanum was engaged in manufacture there of southern wool. In my judgement this shows an entire misconception of industrial possibilities in an age of dear, inefficient transport; the man can have transferred his business when northern products outstripped southern (cf. *ESAR* v. 193 for possible parallels), or he was simply a buyer of *saga* in all markets.

[7] *ESAR* v. 216 f.

[8] *NH* xviii. 127. See generally Chilver 136 ff. In the late empire Aemilia supplied Rome, Ruggini, 38 ff. For Cisalpine wine production then, ibid. 534–6.

still reared everywhere, as in Polybius' time, and perhaps driven to southern markets as well as slaughtered and cured locally for export.[1]

I assume that by far the chief product of Cisalpina was cereals together with legumina which could take their place, and that they were grown for local consumption. Chilver somewhat underrates grain production.[2] He points out that Otho's advisers in 69 hoped that the Vitellian army of 100,000 men might be starved out in Transpadana, and infers that there was no surplus to feed them. Very possibly not; if farmers had grown corn to feed 100,000 extra mouths whose arrival could not have been foreseen at the time of sowing, they would have been demented. Nor do we know anything of the quality of the preceding harvest. (We are not, however, bound to suppose that the advice given to Otho was sound, if only because the Vitellians could and would have seized on all stocks, leaving the civilians to starve.) Chilver also, while discounting Maximin's shortage of grain during the siege of Aquileia in A.D. 238, finds significance in the mention of imports into that city in a legal text of the second century A.D.; but since local or regional failures of the harvest could always occur, and in the most fertile areas, this tells us nothing of normal conditions. He presumes that corn had to be grown in the plains to fill the deficiencies of the mountain districts; that may be so, but one must recall again the raising of rye in upland valleys round Turin.[3] To produce enough wine for local needs was desirable, to produce enough grain almost essential. Strabo hardly ever mentions the growing of cereals in his account of Italy: he is interested in local specialities; the cultivation of grain was universal. The Ligurians 'ploughed and dug rough land', or rather, as Posidonius puts it, 'quarried stones'.[4] Of course they ploughed to sow grain, of which tribes enjoying the public land of Genoa might owe a twentieth in 117 B.C. to that city.[5]

Until the railways autarky had to be the aim of each district in Italy. Only then did conditions change: between 1870–4 and 1890–4 the production of wine in northern districts fell by 7 per cent and that of oil by 34–75 per cent; in the south wine production rose by 60 per cent, oil by 11 per cent, while production of cereals rose in the north by 23 per cent and dropped in the south by 43 per cent.[6] The remoteness of Cisalpina as a whole largely cancelled out in antiquity the special advantages of its internal

[1] Strabo v. 1. 8–12., cf. 1. 4 for cattle, hides and horses. Pigs, Polyb. ii. 15. It was a curiosity to convey fat sows in a wagon, Cato *ap.* Varro, *RR* ii. 4. 10. Even geese were driven from Flanders to Rome, Pliny, *NH* x. 53.

[2] p. 136 on Tac. *Hist.* ii. 32; Hdn. viii. 5. 4.

[3] Cf. Chilver 131 f. for cereal-growing in mountains.

[4] v. 2. 1, cf. iv. 6. 2 where neither the production nor the importation of grain is named; the first is taken for granted. Cf. Diod. v. 39 on their scanty crops and dependence on game.

[5] *FIRA* iii. 163. 23 f., also attesting wine. Cf. Livy xl. 25. 4 ('culta loca'); 41. 5 for grain and wine in mountain valleys.

[6] E. Sereni, *St. del Paesaggio agrario italiano*, 1961, 307 ff.

waterways. Perhaps that is why we have so few epigraphic allusions to *nautae* or *navicularii*;[1] the well-attested prosperity of the Gallic *navicularii* affords a marked contrast,[2] but the Rhone, unlike the Po, gave easy access to the western Mediterranean. In the main, though not exclusively, Cisalpina was thrown back on herself. That is not to say that the land might not have supported a fairly large population, producing for its own maintenance. We have seen, however, that to an unknown and perhaps considerable extent the cultivable area was smaller than in later times. We cannot conclude simply on the basis of the fertility of the soil today that it was then densely peopled.

If the picture I have drawn of Republican Cisalpina is true to life, the country was very largely cut off from trade with other parts of Italy, Gaul, or the Mediterranean at large; more important, there was far more forest and marsh than in later times; inundations were a serious danger, and the work of reclaiming the fertile soil and of maintaining a system of embankments and ditches, which no doubt made continuous progress, demanded capital and favoured the division of the land into large estates; it is a possibility indeed that the owners of these estates were apt to employ free labour (pp. 195 f.). The importance attached to raising 'famine' crops (pp. 178 f.) suggests that the land as a whole was not so productive in the conditions of the Republic and early Principate as to permit a vast growth of population, and the most noted exports, wool and pork, were those of a pastoral economy, which could not support dense settlement. It certainly cannot be assumed that geographical and economic conditions would have attracted a mass migration from peninsular Italy. The settlements organized by the government doubtless took place on some of the best land, which had already been brought under cultivation, principally in the territory of the Gauls who were more civilized and possessed better soil than the Ligurians (section iii). Moreover for a long time insecurity persisted in many parts of Cisalpina, and this must have reduced the attractions of the country to the inhabitants of an Italy which between 200 and 90 enjoyed virtually uninterrupted internal peace.

(iii) *Population before the Roman Conquest*

The peoples Rome found in Cisalpina were Veneti, Gauls, and Ligurians; the first were friendly, the others had to be conquered. The Gauls had displaced Etruscans both north and south of the Po. Strabo speaks of the luxury of the Etruscans in Transpadana, which had been the cause of their downfall,[3] Plutarch of their 18 fine cities;[4] the Gauls, it was believed, were

[1] Waltzing, *Corporations professionelles* ii. 30 cites 9 inscriptions from 6 cities.
[2] *ESAR* iii. 476–86, 513.
[3] v. 1. 10.
[4] *Cam.* 15 f., cf. Dion. Hal. xiii. 11. The ancient riches of Spina (R. Chevallier, *RRL* xxix, 1961, 200 ff.) tell something of the hinterland.

attracted by a land rich in trees and pastures and watered by so many rivers, and above all by the wine it produced. Polybius depicts the Gauls as a relatively savage people, who lived in open villages with no permanent buildings, who followed no pursuits but war and agriculture and whose property consisted in cattle and gold.[1] This picture is evidently exaggerated. Details of the wars show that they had fortified towns[2] and stocks of grain.[3] Livy refers to the 'vasa aenea Gallica' and to other rich booty which Roman generals secured,[4] and archaeological evidence too shows that Polybius was wrong in thinking that they had no arts or crafts.[5] It may be assumed that they took over the cultivation of the vine from the Etruscans. They must also have kept up the system of dykes and canals to the best of their ability. The Ligurians in the mountains were at a lower level of civilization, mainly pastoral and predatory, though later at least they produced a poor wine, and they must always have raised grain for their own subsistence.[6]

For Gallic numbers the best evidence is that provided by Polybius. He estimates the strength of the Gallic army which invaded Italy in 225 at 50,000 foot and 20,000 horse and charioteers.[7] He drew on Fabius Pictor, who is unlikely to have set it too low. The principal peoples concerned were the Boii and Insubres; Polybius also mentions the Taurisci whose whereabouts are unknown;[8] the Boii occupied much of the later Aemilia, with Bononia as their chief centre, and the Insubres were settled round Mediolanum. The total includes an unknown number of mercenaries from beyond the Alps, the so-called Gaesatae.[9] Polybius says that at the battle of Telamon 40,000 of the invaders were killed, and 10,000 taken prisoners.[10] This too must be Fabius' estimate, and it is not dependable, as it was usual to inflate enemy casualties. However, the Boii submitted without further fighting in 224,[11] and as it was they who had felt themselves directly menaced by Roman settlement in the Ager Gallicus,[12] which was far distant from Insubrian territory, they should have contributed far more men to the invading host and sustained proportionately heavy losses, so heavy that they could not maintain the struggle. By contrast, the Insubres fought on.

In 223 both consuls invaded Insubrian lands, and according to Polybius the Insubres put 50,000 men into the field and far outnumbered the Romans, whose forces can hardly have been much below 40,000.[13] Since the Insubres were now defending their own homes, we cannot doubt that they levied every available man, but the Roman estimate may be excessive.

[1] ii. 17. [He thought the Veneti differed little except in language.]
[2] Pol. ii. 34. 5 and 10; Plut. *Marc.* 7. 5; Livy xxxiii. 37. 3 f.; xxxix. 22. 6; 45. 6, 54. 6.
[3] Pol. ii. 34. 10; for grain cf. Livy xxxi. 2. 7.
[4] xxxvi. 40. 1, cf. *ESAR* i. 128 f., 132; Pol. ii. 31.
[5] Jullian, i. 371 *ff.*
[6] Strabo iv. 6. 2; cf. Livy xl. 41. 5, Diod. v. 39. See p. 183 n. 4.
[7] ii. 23. 4. Diod. xxv. 13 gives 200,000.
[8] ii. 28. 4. [9] ii. 22. 1, etc. [10] ii. 31. 1.
[11] ii. 31. 9. [12] ii. 21. 9. [13] ii. 32. 6 f.

Defeated in 223 and despite the help of 30,000 Gaesatae again in 222,[1] they too capitulated.

The Boii were perhaps no less powerful than the Insubres (whom Polybius ranks first);[2] at least they were ultimately harder to subdue; we might then reasonably estimate their strength in *iuniores* at 50,000.

Eastwards of the Insubres the Gallic Cenomani (round Brixia) and the Veneti, old enemies of the Gauls, took the Roman side in 225.[3] They too were to fall under Roman dominion, and this was not a result which they can have envisaged or welcomed. If they collaborated with Rome, it must have been because they were in greater fear of the Insubres and therefore weaker than the Insubres. Polybius' statement that in 225 they put 20,000 men into the field agrees with this hypothesis.[4] It is not indeed likely that it constituted their entire force of *iuniores*. The figure is given by Polybius in the same chapter in which he gives figures for the number of *iuniores* among the Italian allies of Rome. I argued in Chapter IV that these figures are too low, representing the estimates the allies sent in to Rome. The Cenomani and Veneti were not, however, liable to furnish troops *ex formula togatorum* (p. 169). No doubt in this case Polybius, or rather Fabius, gave the number of men who were actually in the field, or believed to be. What proportion of the entire force of either people was mobilized we cannot know. But if each people singly was weaker than the Insubres, the total for both may not have exceeded 50,000. There was far more swampy or flooded land in Venetia than to the west, and in 186 land was vacant near the later Aquileia (p. 193). The density of population was probably lower than in Lombardy.

If we suppose arbitrarily that the population of all the lesser Celtic tribes in Cisalpina was again 50,000, we have a total for Gauls and Veneti of 200,000.[5] On the analogy of other Italian cities Genua and Ravenna might add no more than 10,000.

Hannibal's invasion encouraged the Gauls, even the Cenomani, to rise against Rome.[6] Many served in Punic armies, but their numbers, even if they could be ascertained, would not enable us to determine the size of the population. The conquest had to be resumed or repeated. From 200 to 191 there was much hard fighting. The Cenomani betrayed their fellow Gauls in 197; the Insubres who were joined by the Orombovii (round Comum) seem to have capitulated in 194 and like the Cenomani to have concluded a

[1] ii. 34. 2. [2] ii. 17. 4.

[3] ii. 23. 2. Cf. Livy xxi. 25 for Cenomani fighting for Rome at the Trebbia.

[4] ii. 24. 7. Beloch, *Bev.* 359, argued that a figure for horse in which both Veneti (p. 183 n. 1) and other Gauls (p. 185 n. 7) were strong is omitted. On Strabo v. 1. 7 see Beloch, *Klio* iii. 480.

[5] Pol. ii. 17 lists some minor Gallic peoples. See also Pais, *Delle guerre puniche*, 427 ff. for some Ligurians north of Po.

[6] See Toynbee ii. 260 ff. for an admirable account of the conquest of Cisalpina. References may be found there or in *MRR.*

treaty with Rome;[1] the Boii were not reduced till 191. Incomplete casualty reports given by Livy enumerate 28,700 Romans and allies killed;[2] they could be reliable, indicating how hard the struggle was. Livy also transmits figures for Gallic dead and prisoners totalling 190,000. They stem from Valerius Antias, an author whom he himself distrusted with good reason,[3] or on the most optimistic view from the reports made to the senate by victorious generals,[4] which would hardly deserve much more credence. We cannot use them then to invalidate the conclusions drawn from the more credible data in Polybius. But we can readily believe that the Gauls did not give in until they had suffered much heavier losses than they inflicted, so heavy that they did not venture on further revolts. The immediate effect of the conquest is likely to have been a reduction in the number of inhabitants. Moreover, the campaigns themselves would surely have made it harder to keep up dykes, and land, once drained, may thus have been flooded and the cultivable area have been diminished for a period outlasting the war. Venetia, however, was unaffected.

The Ligurians were harder to reduce.

> Their lands were mountainous and rough [says Livy]; the paths steep, narrow, fit for dangerous ambuscades; the enemy light, swift and sudden in attack, leaving no hour or place quiet or free of care; it was necessary to assail fortified keeps, a task at once arduous and dangerous; and the country was poor, constricting the soldiers' consumption and providing little booty; no traders followed the army, no long line of draught animals prolonged the column.[5]

Serious fighting began in 193 with a Ligurian attempt to take Pisa.[6] The building of the Via Aemilia from Ariminum to Placentia and the new Via Flaminia from Arretium to Bononia in 187 facilitated Roman operations, but in 186 a defeat was inflicted by the Apuani on a Roman consul. In 180 the deportation of the Apuani (p. 189), who menaced the coast-route north of Pisa and the lower country both north and south of the Apennines, brought peace to one sector, while the piratical Ingauni (around Vada Sabatia) had been subdued in 181, but in the more central Apennines other tribes continued to threaten the new cities of Aemilia; the removal of a 'multitude' of (probably) Friniates into the plains by Marcus Lepidus in 187 was perhaps of no lasting effect, for their incursions were soon resumed. In 179 the Ligurians living in the 'Ballistae saltus' were likewise transported into the plains, and Roman garrisons placed in their homes. Yet in 177 the new Roman colony of Mutina was captured and the prisoners massacred; it was recovered in the next year,[7] but a consul lost his life in further operations round Mounts Letus and Ballista,[8] probably directed against the

[1] Cic. *Balb.* 32. [2] Listed in *ESAR* i. 110. [3] Appendix 28.
[4] xxxvi. 39. [5] xxxix. 1, cf. 2. 3.
[6] Earlier campaigns in 236 and 233 (cf. *MRR*).
[7] Livy xli. 16. 7 f.; 18. 3. [8] xli. 18.

Friniates; a fragmentary passage of Livy seems to refer to further transplantations.[1] C. Claudius who recovered Mutina claimed, according to Livy, that he had won land enough to accommodate many thousands of settlers;[2] but it may be doubted if any coveted the barren hills and enclosed valleys of the Apennine mountaineers; the chief aim was to make the country round the Via Aemilia secure. In fact there was further fighting, perhaps the last here, in 175. To the north-west the Eleiates were still giving trouble in 166, *c.* 163, 158, 155, and 115.[3] In 173 the consul, M. Popillius Laenas, made an apparently unprovoked attack on the Statielli who dwelt west of the road from Genua to Dertona; the survivors, said to number only 10,000, surrendered to his good faith and were improperly sold into slavery, to be liberated later by order of the senate. Rather mysteriously we hear of a second attack on the same people by Popilius in 172, in which 6,000 more were allegedly killed; evidently the previous capitulation had not embraced the whole tribe. The captives, though freed, had not been restored to their home; they were deported, many thousands, beyond the Po.[4] The nature of the settlements made with other Ligurians, who remained in their mountain homes, is unknown;[5] they may have been *deditícii* rather than *foederati*; they sent contingents to Rome's armies.[6]

Roman casualties in these campaigns are only twice recorded, 4,000 in 186 and 3,000 in 173 (p. 187 n. 2). The total of Ligurians said to have been killed amounts to 84,000. It cannot be taken seriously. Just because of the mountainous character of their country, which made it hard to conquer, the Ligurians can scarcely have been very numerous. There is indeed a passage in Strabo which seems to go back to an early source, probably of the second century, rather than to represent conditions of his own day, and to contradict this statement.[7] Strabo says that though some Ligurians live in villages (not cities), none the less the country has a good store of men, and supplies the greater part of the soldiers drawn from Cisalpina and the majority of the cavalry. He is comparing the military contribution made to Roman forces by the Ligurians with that provided by other peoples in Cisalpina, i.e. Gauls and Veneti. In fact we hear much more often of Ligurian *auxilia* than of Gallic (p. 169 n. 3); elsewhere Strabo commends their quality as soldiers.[8] No doubt it made for the pacification of the country if the Romans canalized the energies of these wild mountaineers in their own army; one may compare the raising of regiments in the Scottish Highlands

[1] xli. 19. 1.
[2] xli. 16. 8.
[3] See *MRR* under the years; for fighting *c.* 163, *Per.* Livy xlvi.
[4] Livy xlii. 22. 5 f.
[5] Strabo v. 1. 4 and 10.
[6] Strabo iv. 6. 3 is irrelevant, however it may be read, referring to Transalpine Ligurians (*contra* Ewins II. 73). Contingents, p. 169 n. 3.
[7] v. 1. 11 (πρὸς δὲ τοῖς ὄρεσι . . . τὴν σύνταξιν); against transposition rightly Chilver, *JRS* xxviii, 1938, 126 ff., whom I follow basically.
[8] iv. 6. 2.

after 1745. But what does Strabo mean by a 'good store of men'? The verb εὐανδρεῖν is ambiguous; it may refer to density of population or to the quality of the men, their physical fitness and manliness, and indeed may always have this sense as an overtone.[1] Strabo or his source need not have meant that Liguria was exceptionally populous but only that it provided soldiers of the highest quality. The country was too poor to be thickly inhabited.

In 193 and 181 Ligurian armies are said to have been 40,000 strong; that need not be accepted, but they were large enough to reduce consular armies to the defensive and in 193 also to beleaguer Pisae.[2] Ligurian casualty figures are simply inflated by annalistic invention or by the exaggerations of Roman generals. We are told that in 180 12,000 Apuan warriors surrendered and that the people, 47,000 men, women, and children, were deported to Samnium. The percentage of adult males (27 per cent) is plausible, but so many persons could hardly have been accommodated in an area of 654 square kilometres, at a density of 72 per square kilometre, which supported only 59,000 in the late nineteenth century, even if we allow that subsequent erosion may have reduced the productivity of the soil. If the figure rests on a report made by the consul to the senate, we may again suspect inflation. (Or can we accept the figure for the *deditícii* but deny that all were transplanted? In 155 another triumph was celebrated over the Apuani.[3]) Again, we cannot give unreserved credit to the story that in 173 the consul, M. Popillius, enslaved 'not more than 10,000' Statielli. Later these people, to the number of 'many thousands', were to be freed and settled by the government. They do not seem to have comprised the whole tribe.[4] The Apuani and Statielli may indeed have been the most numerous of the Ligurians; the former were among Rome's most formidable adversaries, to judge from the record of the campaigns, and the Statielli lived in the relatively fertile Montferrat where there were to be several flourishing Roman towns.[5] By contrast hardly any towns developed in the rest of Liguria. It seems possible that about 200 the number of Ligurian adult males did not much exceed 100,000.

With 200,000 adult males in the rest of Cisalpina (p. 186), this would give a total of only 300,000. That may well be too low. A total of 400,000–500,000 could not be disproved. Whatever it was in 200, it was much reduced by the wars of conquest. There was vacant land in the old Gallic

[1] See Liddell and Scott, s.v., cf. p. 77. In iv. 1. 2 for density of population Strabo uses the unambiguous *polyanthropia*. Diod. v. 39, probably drawing on the same source (Posidonius), calls the Ligurians lean, vigorous, muscular, as strong as wild beasts, because of the poverty of their country. See also pp. 199 f.

[2] Livy xxxv. 4; xl. 25 and 27, cf. Plut. *Aem. Paul.* 6.

[3] xl. 38, cf. 41. 3; *Fasti Tr.* for 155 (Toynbee ii. 181 refers the triumph to other Apuani; cf. Beloch, *Klio* iii. 471 ff.).

[4] xlii. 8. 1, 21. 2, 22. 5. Toynbee's guess (ii. 659) is too speculative.

[5] Ewins I. 66 ff. gives details of the settlements bounded by Po, Tanarus, and Stura.

territory, filled but probably not entirely by Roman and Latin settlement, and by the transplantation of Ligurians. The removal of Ligurians both to the Po valley and to Samnium must have left a large area desolate, which had previously supported thousands with a meagre subsistence. Except in Montferrat, there seems to have been no settlement to replace those who had been deported. The Romans had removed them, not because they needed the land, but in order to give security to their settlers in the plain. 'Ubi solitudinem faciunt, pacem appellant.' There were now sheep-walks where men had lived. In the valley of the Po as in Montferrat, peace and the progress of drainage and clearance must have promoted the increase of population. However, the more Italians are assumed to have settled here in lands once held by Gauls and Ligurians, the less likely does it become that the 'Transpadani', impoverished by the loss of their lands, could have increased to 1,000,000 adult males by 49, as conjectured by Frank.

(iv) *Italian Immigration*

In 218 in territory annexed from the Boii and Insubres respectively (as we may presume) Rome founded Latin colonies at Placentia and Cremona, each with 6,000 colonists.[1] They were soon to be almost isolated by Hannibal's invasion and the revolt of the surrounding Gauls; they were no doubt supplied by the Po,[2] as its lower course ran through the lands of friendly peoples and the stream was probably made inaccessible to the Gauls by great swamps on either side. None the less, it is astonishing that they held out; Placentia actually survived a siege by Hasdrubal in 207.[3] In the following year the colonists complained that their lands were ravaged by their Gallic neighbours and that a large part of their number had slipped away, leaving the towns and fields deserted.[4] The praetor, Mamilius, was instructed to give them his protection and the colonists to return by a fixed day, but it is not recorded that he took any action or that they came back. In 200 the combined forces of the Insubres, Boii, and Cenomani with some Ligurian allies captured and burned Placentia, leaving barely 2,000 survivors, and laid siege to Cremona.[5] The Roman praetor, L. Furius, in defeating the Gauls, is stated to have recovered 2,000 Placentian captives. In 198 the consul, S. Aelius Paetus, is said to have spent almost the whole year in rounding up colonists from the places where they had sought refuge and compelling them to return to the colonies,[6] but it was only a great victory by C. Cethegus in the next year that freed the inhabitants from fear; they said that they had been rescued from siege and many liberated from servitude.[7] In 195 the consul, L. Flaccus, was occupied in restoring the towns.[8] Their

[1] Pol. iii. 40.
[2] Pol. iii. 75. 3; Livy xxi. 57. 5.
[3] Livy xxvii. 39. 10 ff., 43. 1.
[4] xxviii. 11. 10 f.
[5] xxxi. 10. 3, 21.
[6] xxxii. 26. 3.
[7] xxxiii. 23. 2.
[8] xxxiv. 22. 3.

troubles were not yet over: in 193 a Ligurian host plundered the territory of Placentia up to the walls.[1] In 190 both colonies complained of the paucity of settlers: some had fallen victims to the war, others to disease, and others again had abandoned the colonies out of disgust with the neighbouring Gauls. As a result 6,000 more settlers were sent out.[2] It seems unlikely that this reinforcement did more than repair losses sustained since 218. Cremona and Placentia were to become flourishing cities, but only when peace and order had been established in Cisalpina.

In 191 the Boii were mulcted of half their territory, according to Livy,[3] and in 190 it was proposed to found two colonies in the conquered land.[4] In the event only Latin Bononia seems to have been founded with 3,000 settlers, of whom the *equites* received 70 *iugera* and the rest 50 apiece.[5] These were generous allotments, more than enough for peasant holdings; and it might be surmised that the settlers were expected to employ Gauls as labourers or rent out part of the land to them as tenants. On the assumption (of course made only *exempli gratia*) that one in ten of the colonists was an *eques*, the area distributed amounted to 393 square kilometres. In addition there must have been much marsh, woodland, and permanent meadowland which remained public, and probably only a part of the cultivable land of the city was as yet allotted. The historian of Bologna, P. Ducati, calculates that the present province comprises some 3,796 square kilometres;[6] from this may be deducted a considerable area probably left to the Boii, but at any rate after the successful campaign against the Ligurians in the adjoining hills in 187, some 2,000 square kilometres might have remained and even after further deducting land which was assigned *viritim* in 173, where Forum Corneli, Claterna, and Faventia were to arise, at least 1,200. Much was mountainous; even so, there was room both for subdivision of the original plots and for further allotments, and though the latter are not recorded, the silence of our sources (meagre as they are after 168) proves nothing; in particular, if we believe that serving soldiers were attracted to settlement in the north, many Romans and Latins may have found it congenial to settle in Bononia, and the Roman or local authorities may well have been glad to strengthen the colony by making new grants of land. Bononia was certainly to be one of the richest towns in Roman Italy, and we may well believe that the population here far outstripped the original number of colonists.

[1] xxxiv. 56. 10.

[2] xxxvii. 46. 10 f. (Walbank on Pol. iii. 66. 9 and 74. 6 refutes the theory that a new site was found for Placentia.)

[3] xxxvi. 39. 2; for expulsion of Boii xxxvii. 2. 5 (190).

[4] xxxvii. 47. 2, 57. 7 f.; cf. Ewins I. 56 f.

[5] Col. ii. 12. 7 allows 8 labourers *per* 200 *iugera* under cereals. Cf. pp. 193 f. below on the minimum size required. I hope to discuss this question more fully elsewhere.

[6] *St. di Bologna* i. 1928, 355 ff. Cf. Livy xxxv. 9. 8 for land deliberately kept vacant at Thurii, cf. p. 86 n. 1. See also pp. 299 f. for municipal *ager publicus*.

From statements made by Polybius, Strabo, and Pliny we should judge that the Boii were expelled from their lands; Strabo speaks of a mass emigration to Bohemia. However, Livy attests only that they lost half their lands, and as there is no evidence for any later revolt, it is hard to suppose that they were subsequently deprived of the rest. Moreover Strabo speaks of the continued habitation of Gauls in the Cispadane plain, and traces have been discerned of persisting Gallic influences in the area. The Boii disappeared as an independent people—so much is certain from Pliny's list of the Cispadane communities—but the survivors must have at first become subjects of the Italian towns there, and have been thoroughly assimilated in course of time, so that it could be assumed that they had been expelled. When and how they got the citizenship, and to what extent they retained property in their territory or were merely tenants and labourers for the settlers, we cannot say.[1]

Livy represents Romans in the late fourth century as reluctant to emigrate to Luceria because it was so remote from home and surrounded by such hostile peoples; later, we hear that volunteers could hardly be found for Minturnae and Sinuessa, as the settlers were virtually to constitute garrisons in enemy country. There can have been no authentic evidence about the feelings of Roman plebeians *c.* 300 B.C.: later annalists invented what the experience of the historic period suggested. No colonists are more likely to have felt the sentiments they described than those dispatched to the Po.[2] Bononia was a *propugnaculum imperii*, like its successors, Roman Mutina and Parma (183), each with 2,000 settlers, Latin Aquileia (181) with 3,000, Roman Luna (177) with 2,000, and Latin Luca, if the colonial foundation there be accepted.[3] Life was not easy in these places. In 187 Ligurian incursions prevented the people of Bononia and Pisae from cultivating their fields.[4] In 177 Mutina was captured (p. 187). Probably the colonists there had to be reinforced. No viritane allotments are recorded until 173,[5] and it is inconceivable to me that any took place before the Ligurians in the Apennines (the Eleiates still excepted) had been subdued in 175. None of the Cisalpine *fora* and *conciliabula* should be dated earlier; probably indeed *fora* grew up only in the process of time, as the settlers multiplied and thrived in more peaceful conditions (see Appendix 11).

[1] Pol. ii. 35. 4, cf. Strabo v. 1. 6 and 10; Pliny, *NH* iii. 116: 'in hoc tractu interierunt Boii quorum tribus CXII fuisse auctor est Cato' whence it cannot be inferred that Cato regarded the Boii as extinct; see *contra* Strabo v. 1. 4; for Celtic traces (not only in this area) see R. Chevallier, *Latomus* xxi, 1962, 356 ff.; *St. Romagnoli* xiii, 1962, 57 ff., cf. pp. 170 f. on their possible enfranchisement.

[2] Livy ix. 26. 4; x. 21. 10; see E. T. Salmon, *JRS* xxvi, 1936, 54 ff. on the role of colonies.

[3] Livy xxxix. 55. 5–9; xl. 34. 2–4, 43. 1; xli. 13. 4 f., cf. p. 168 n. 3.

[4] xxxix. 2. 5.

[5] xlii. 4. 3 f. For Montferrat cf. p. 193. In both regions the settlers were registered in Pollia.

The number of viritane settlers in 173 is not reported. No doubt they were given lands along the Via Aemilia and in Montferrat;[1] we are told that the lands had been taken from both Gauls and Ligurians. According to Ewins the strip of land in the former area centuriated on a single plan and presumably in 173 is never very wide.[2] The settlers may not have been numerous, at least at first; there may have been reinforcements ignored by Livy's miserable epitomator, just as he ignores the settlement of 173 itself. Before 173 the Roman and Latin settlers in the north, if we assume that the later arrivals at Cremona and Placentia only made good earlier losses, numbered only 22,000 plus some at Luca (3,000?) and can hardly have replaced the Gauls and Ligurians killed in the fighting.

In 186 a band of Transalpine Gauls peacefully migrated into Venetia and settled on the then deserted and uncultivated site of the later Aquileia; they are said to have numbered 12,000 (presumably men, women and children). The Romans disarmed and expelled them.[3] It was decided to found a colony on the site; Rome was assuming the defence of her Venetian allies against Histrians and Illyrians and treating the Alps as the rampart of Italy.[4] The colony ultimately sent was Latin; 3,000 *pedites* received 50 *iugera* apiece, centurions 100, and *equites* 140; 1,500 more families were settled at the colony's petition in 169.[5] Again the size of the allotments was large; in Latin colonies at Thurii and Vibo in 193–2 the foot-soldier had no more than 30 *iugera*.[6] It may be that experience had shown that a Roman at least required larger inducements to remove to a Latin city and forfeit Roman citizenship, but the unfamiliarity and insecurity of the north could be part of the explanation. It is startling that so much smaller allotments were made when Roman colonies were founded in 183 at Parma and Mutina on former Boian lands, 8 *iugera* at Parma, 5 at Mutina, and when viritane assignations were made in 173 in Gallic and Ligurian territory, 10 *iugera* to citizens and only 3 to Latins. These figures also stand in contrast with the 51½ *iugera* allotted, if the manuscript text is correct, at the Roman colony of Luna (in ex-Ligurian land) in 177; Tibiletti indeed has amended to 6½,[7] and Toynbee defends the manuscript figure only on the supposition that it relates to an original intention to make Luna a Latin, not a Roman, colony.[8] Certainly, there was prolonged hesitation whether Aquileia should be Roman or Latin, and we cannot doubt that there was now reluctance on the part of citizens to join Latin colonies; Aquileia, or perhaps Luca (180), was the last.

The allotments made in 183 and 173 are, however, strange in any event. It seems to me quite clear that just as those in Bononia and Aquileia exceeded what a peasant needed for subsistence farming, so those at Parma,

[1] Ewins II. 61.
[2] xl. 26. 2; xli. 1–5; xliii. 1. 5.
[3] *Athen.* xxxviii, 1950, 226 n. 1.
[4] Ibid. 63.
[5] xliii. 17. 1.
[6] ii. 539 n. 3.
[7] xxxix. 22. 6, 54.
[8] xxxv. 9. 7 f., 40. 5 f.

Mutina, and in the land divided *viritim* fell short of it.[1] (The same is true of the old-style farm of 7 *iugera* which the Roman peasant was traditionally held to have had in early days.[2]) A simplified computation will serve to make the matter plain. We might assume that a family of four required for subsistence not less than 120 *modii* of wheat a year, to say nothing of some wine and oil, or a surplus with which these and other necessities could be bought.[3] According to Columella the time could hardly be recalled when most parts of Italy returned a fourfold yield;[4] medieval and early modern parallels suggest that this estimate is not unduly pessimistic. On medium quality land it was the practice, Columella says, to sow between 5 and 10 *modii per iugerum*.[5] The net product, after deducting seed, was thus some 15–30 *modii*, if the yield was fourfold. Land was normally fallowed in each alternate year.[6] The net produce of wheat in 10 *iugera* was therefore 5 × 15–30 *modii*, i.e. 75–150 *modii*. This was bound to be either totally inadequate for the peasant or at least to leave no margin for bad years. No doubt he might ward off famine better by relying on millet, beans, and turnips (pp. 178 f.), but this was not a diet welcome to the Roman, and allotments which compelled him to resort to this practice were surely not attractive, even in a region more peaceful than Cisalpina. Some of the allotments were doubtless made in very rich soil, where far greater yields could be expected; in the late Republic 10 *iugera* were thought sufficient in Campania, the most fertile part of Italy.[7] But even on this hypothesis the allotments to citizens at Mutina and to Latins in the *ager viritanus* seem too low. Yet the figures are mutually supporting, and their very implausibility is a sign that they are not fictitious; it would be natural if records were to be found in the *senatus consulta*, and there is no objection to believing that they are accurately reported by the annalist Livy followed. We must therefore look for an explanation. And this may conjecturally be found.

We can assume that the colonists were expected to supplement the returns from small allotments, partly from enjoyment of the rights to find wood for fuel, building, etc. and to pasture animals on *ager publicus* (especially pigs, which would supply meat), and partly by working as tenants or labourers on adjoining large estates. If a typical peasant farm in the older Ager Romanus was as little as 7 *iugera*, this must already have been the system to which they were accustomed at home, and colonists, drawn from younger sons of the yeomanry or from expropriated peasants, would not necessarily

[1] The Ligures Apuani would have received over 20 *iugera* each (Nissen ii. 814), if the tradition is sound; if not (p. 189), perhaps more.

[2] e.g. Pliny, *NH* xviii. 18.

[3] See Cato, *de agric.* 56–9; he allowed his slave labourers 3–4½ *modii* a month, dependent on the heaviness of their work.

[4] iii. 3. 4. I hope to expand this elsewhere.

[5] ii. 9. 1, cf. xi. 2. 75.

[6] ii. 9. 4.

[7] Cic. *Att.* ii. 16. 1.

have looked for a different system in Cisalpina; some might be better off there, if they possessed any land they could call their own.

The hypothesis that large estates were being formed in the north may evoke some surprise. It is sometimes averred that there *latifundia* were of very late formation.[1] There seems to be no evidence for this view, and two reasons may be given for rejecting it. First, the government at Rome was in the hands of the rich. Though it plainly saw the necessity to establish soldier peasants in Cisalpina to protect the new dominion, it is unlikely to have taken no care to advance the interests of its own class. Secondly, if we believe that under Roman rule the area of cultivation was steadily extended by clearance of woodland and drainage of marsh, we must also admit that much of this work demanded capital and in so far as it was not done by the government required more expenditure than the small peasant could afford. No doubt in all ages peasants have cleared woodland by their individual efforts, and this they could have done in ancient Cisalpina, enjoying the benefits of *occupatio*, which perhaps more usually accrued to *latifondisti*. But the drainage of marshes and flood-land and the subsequent maintenance of dykes and canals required organized labour. In a military colony, like that founded by Augustus at Ateste, this could be supplied by governmental direction,[2] but it is much less likely that individual immigrants at a subsistence level could undertake operations which looked not for immediate profits but for distant returns. Moreover, the risk of inundations still subsisted and could not be borne by a peasant who might lose the harvest he needed to support his family. And while we may suppose that smallholders were entitled to pasture their pigs and sheep in communal woods and water meadows, we might doubt whether they would easily have agreed among themselves to clear and drain such common lands and divide them for cultivation. It would have been more natural, as in the drainage of the English fens in the seventeenth century, for such work to have been undertaken by large *possessores*, who had leased the land (thanks to their influence) from state or municipality or who had merely 'occupied' it, and many of the legal problems which could arise between neighbours, when one of them constructed ditches or dams to the disadvantage of another, would not have arisen at all if a considerable tract of territory was in the

[1] So Ruggini 24 n. 29 citing earlier writers. Of these Mommsen (*GS* v. 123 ff., esp. at 136 ff.) affords no support, but inferences from the Table of Veleia are totally inapplicable to the Po basin (cf. F. de Pachtère, *La Table Hypothécaire de Veleia*, 1920, ch. II). The best discussion of the younger Pliny's estates is now that by R. Duncan-Jones, *PBSR* xx, 1965, 177 ff., who shows that *ep.* iii. 19 does not relate to Cisalpina. Chilver's arguments against the early developments of *latifundia* in the Po basin (146 ff.) are rebutted in the text. In ch. VI he notes that Cisalpini only gradually came to the fore at Rome in the first century A.D., but the explanation is likely to be rather a prejudice against 'Gauls', cf. E. Badian, *Provincia Gallia*, 906 ff., than the putative fact that the concentration of wealth was retarded in Cisalpina.

[2] *Not. Sc.*, 1915, 139.

hands of a single occupier.[1] To this day large estates are common in north Italy, because capital is required for reclamation and irrigation.[2] In antiquity the same conditions should have had the same effect. The numerous *equites Romani* of whom we hear, travelling with their *familiae* on the Via Aemilia near Mutina, can well have been local landowners.[3] As for the Gauls themselves, if their social structure was like that of their kinsmen across the Alps, they would have been ruled by a nobility who concentrated property in their own hands. [See pp. 709 ff. in Addenda.]

Large estates may not have excluded the use of free labour. The assumption of the agronomists that slave labour was more profitable may not have been acted on in the north. Chilver discerns some evidence that *libertini* were less common relatively in some parts of the north than elsewhere in Italy;[4] the proportion of slaves may also have been lower, and *latifondisti* may have recruited and brought free labourers from the south.

Nor need we deny that some smaller estates were acquired by Italians in Cisalpina, for instance by soldiers who saw service there. If such settlement occurred, it need not have been restricted to Aemilia and Piedmont. Ewins holds that the conclusion of peace with the Transpadane Gauls was 'probably not accompanied by any confiscation of land'.[5] But why should the Romans have varied their usual practice of seizing parts of the territory of conquered enemies? In fact the transplantation of some Ligurians to the Po valley implies Rome had land there to dispose of. The government itself may have made assignations to Italians here, of which we do not know, subsequent to the date at which Livy's detailed record breaks off, though much may have been 'occupied' by *latifondisti*, as in other parts of Italy to the south. Further, relations with the Gauls ultimately became friendly; the colonists at Cremona intermarried with them;[6] and in these circumstances Romans who had money and knew the district may have obtained lands by purchase, inheritance, or foreclosing mortgages, just as they obtained lands in overseas provinces (pp. 213 f.). But large estates could have been mainly constituted out of marshy and forest lands which the Roman capitalists reclaimed. Such activity was not of a kind to enrage the natives. There were no revolts after 190 in Transpadana, no such discontent as we

[1] Some lands, probably in Transpadana, belonged in 45 to municipalities such as Atella, Arpinum, Regium Lepidi, and others (Cic. *Fam.* xiii. 7 and 11); probably they in turn sublet them to local notables.

[2] Walker (op. cit., p. 172 n. 2) 125 ff., 132 ff.

[3] Pliny, *NH* ii. 199; it seems to me unnecessary to suppose they were Etruscan magnates (J. Heurgon, *JRS* xlix, 1959, 43).

[4] Brunt, *AL* 71, cf. Chilver 60, 198 ff. But Dec. Brutus refers to *ergastula* in Cisalpina in 43 (*Fam.* xi. 13 a. 2). Cf. perhaps Cato, fr. 230 M² ('accessit ager quem privatim habent Gallicus, Samnitis, Apulus, Bruttius') for large holdings in Cisalpina (or Picenum?).

[5] I. 56.

[6] Cf. p. 170 n. 9. Native names are found chiefly in Alpine districts and to a lesser extent in cities only enfranchised in 49, but Latin names often conceal native origins, and must generally do so in Liguria and north of the Po (Chilver, ch. V).

might expect if Romans had extended their property at the expense of the Gauls by taking away much of their cultivated land.

What we should doubt is unregulated mass immigration of dispossessed peasants from the south, who had no previous connections with Cisalpina. The story of the transplantation of the Ligures Apuani to Samnium makes a significant commentary on any such theory.[1] The Apuani pleaded 'ne penates, sedem in qua geniti essent, sepulchra maiorum cogerentur relinquere'; this was the natural reaction of peasants anywhere. The senate fixed Samnium as their new home because it was 'procul ab domo, ne reditus spes esset', and moved them at public cost, giving them money to furnish their new farms. If it was impossible for Ligurians to return home from Samnium, it was equally impracticable for southern Italians to migrate to the north, unless like the Ligurians they had homes found for them and subventions for transport and for equipment. It is much more credible indeed that peasants from Umbria and Etruria infiltrated into the neighbouring lands to the north, and that *latifondisti* imported labour at their own cost; soldiers who had served in Cisalpina and knew the country may also have seized opportunities to acquire land there.[2] But in so far as immigration was on a large scale, it is likely to have been organized by the state. Did it occur?

Polybius says he had seen the Gauls entirely ejected from the Po valley except for some places close to the Alps.[3] As the Insubres and Cenomani were certainly not expelled, and the land beyond the Po remained Gallic in the late Republic,[4] his exaggeration seems to betray that he had not ventured further north than the towns on the Via Aemilia; he can surely never have visited Mediolanum or Brixia. But his statement would have had a modicum of truth if the land close to the banks of the Po had fallen into Roman hands. We might suppose that the Romans annexed territory here, to ensure that a strip on either side of the river was safely under their control, and that this area was Romanized by settlement, often after reclamation. Some degree of settlement after 173 is perhaps also required to explain the Romanization of the plain by the first century. The traces of Gallic nomenclature which Chilver has listed seem to come mainly from the hill country close to the Alpine range,[5] and though it should not be claimed that the Gauls were confined to such parts, the earlier assimilation of the population in the plain suggests that Romans or Latins had found an entry there. Considering the

[1] Livy xl. 38.

[2] If Samnites settled in the Po basin (Chilver 83, expressing doubts), it must be explained in one of these ways. Some 'Samnite' names could be explained by the colonial assignations in and after 41 B.C.

[3] ii. 35. 4. Expulsion was allegedly designed in 224, ii. 31. Note also p. 191 n. 1.

[4] Strabo v. 14; Pliny, *NH* iii. 124 (on Vercellae and Novaria); and the name Gallia, cf. also Badian, *Provincia Gallia*.

[5] 70 ff. On Gauls' adoption of Latin names see ibid. 82.

paucity of our evidence for the later second century (after 168), we cannot set the silence of sources against the view that there may have been further distributions after 173.

It has often been held that there was new colonization in Piedmont late in the second century. The only certainty is the foundation of the Roman colony of Eporedia, as a bulwark against the Salassi, in 100.[1] This has been connected with Saturninus' proposal to assign lands that had been taken by the Cimbri 'in what the Romans now call Gaul'.[2] Appian's expression most naturally refers to Transalpine Gaul, and it was at least more plausible to hold that the Cimbri had annexed territory there. In any event, though Saturninus' laws on land-distribution were not annulled,[3] there is no good indication that they were ever implemented; the theory that Marian soldiers were extensively settled in Africa is rejected elsewhere (Appendix 12). If Eporedia was founded under his plan, it may be the only result it ever had.[4] The arguments that other settlers were sent to Cisalpina at this time, or under schemes of Gracchus and Fulvius Flaccus, are all inconclusive; the proposition may be true, but it cannot even be made probable.

(v) *The Population in the First Century* B.C.

It has been conjectured that about 200 B.C. the inhabitants of Cisalpina included about 300,000–500,000 adult males, that the number was reduced by the wars and that the gaps were not at once filled by Roman settlement. Peace, prosperity, and the reclamation of cultivable land could undeniably have raised the number to over 1 million by 49 B.C. But we lack evidence that they did. [See Addenda, p. 711.]

As a whole indeed Cisalpina was not very peaceful. The inns which Polybius found so cheap indicate that the part of the country he visited was settled and safe, but he probably saw little outside Aemilia (p. 197).[5] To the north the Alpine tribes carried out frequent and destructive raids. The Salassi could defeat a Roman consul in 143 and were hardly held in check before the foundation of Eporedia.[6] Strabo speaks in general terms of brigandish mountain tribes who held the upper hand in 'Italy' until they were destroyed or pacified by Augustus, who built roads across the Alpine passes. He says that the Raeti, Lepontii, and Camunni used to overrun the neighbouring parts of Italy; whenever they took a village or a city, they would massacre the whole people, including pregnant women and infants. Tergeste suffered severely in 52 B.C. The riotous incursions of Carni and

[1] Ewins I. 66 ff.; Vell. i. 15. 5 (Eporedia).
[2] *BC* i. 29.
[3] A. Passerini, *Ath.* xxix, 1951, 12 ff.
[4] I do not accept Badian's conjecture in *Provincia Gallia* 909 that there was settlement in Transalpina. The presence of Roman landowners and *negotiatores* there attested in Cic. *Quinct.* and *Font.* is irrelevant.
[5] ii. 15.
[6] Dio fr. 74; Oros. v. 4. 7, cf. p. 171.

some Norican tribes were only ended by campaigns of Tiberius and Drusus. After rough treatment by the Raeti, Comum was synoecized by Pompeius Strabo (whose possible work at Verona may be similarly explained); it still needed reinforcement by L. Scipio (*c.* 85), who sent 3,000 settlers; and Caesar was to found a Roman colony there; it is not clear if his 4,500 colonists (excluding 500 non-resident Greeks) were all new inhabitants.[1] Throughout the second century Cisalpina remained a theatre in which consuls were often active,[2] and it must have been its continued insecurity which made the government in the 80s form it into a province, in which 3 legions were stationed at times.[3] The building of roads, the Via Postumia begun in 148 from Genua to Cremona[4] and thence in two sectors by either Verona or Mantua to Patavium and Aquileia, the Via Popillia from Ariminum to Atria or beyond in 132,[5] the Via Aemilia Scauri from Vada Sabatia to Dertona in 115 or 109,[6] and perhaps a Via Annia near Aquileia,[7] is a further indication of the military character of the zone; it is unbelievable that the Republican government had them constructed for the benefit of trade (which was better served by the waterways). In the Principate, when roads in Italy had little military function, they were often scandalously neglected[8] and were of small use for commerce before Trajan,[9] and the senate is unlikely to have been more efficient or more solicitous of trading interests than the emperors. In sum, Augustus' well-advertised pacification of the Alps was an achievement of the greatest value to the north Italians, especially those beyond the Po.[10]

If insecurity continued and the clearance and drainage of cultivable land proceeded slowly, population growth may well have been severely limited. It is true that Strabo speaks of the 'fine store of men', and of the size and wealth of the cities in Cisalpina.[11] What he means by *euandria* has already been discussed (p. 189). In Strabo's time, and throughout the Julio-Claudian period, Cisalpina contributed much more heavily than the rest of Italy to the legions and the praetorian guard, and was thus unquestionably

[1] iv. 6. 6, 6. 8 (cf. Dio liv. 22, 15 B.C.), 6. 9; v. 1. 6; Tergeste, Caes. *BG* viii. 24. 3; for Verona, Ewins II. 80 f.; for Scipio see *MRR* ii. 58.

[2] Appendix 10. Note campaigns in 129, 118, 115 (cf. E. Pais, *Dalle guerre puniche* 433), and 95. Like the Ligurian victories, slighted by Cicero (*Brut.* 255 f.), these campaigns did more cumulatively for the advance of civilized life than many more glorious wars.

[3] Chapter XXV, section (v). Note the *castella* of *FIRA* i² no. 19.

[4] *ILRR* 452. For probable earlier use of this route, showing its military importance connecting two disturbed areas (Liguria and Histria), see Livy xli. 5. 9 and 12.

[5] *ILRR* 453.

[6] Strabo v. 1. 11.

[7] *ILS* 5860, cf. Chilver 34.

[8] Tac. *Ann.* iii. 31; Dio lix. 15; lx. 17; *ILS* 5860.

[9] Galen quoted in *ESAR* v. 278.

[10] *Dio* liv. 20, 22; Vell. ii. 95; *RG* 26. 3; Pliny, *NH* iii. 136 f.; *ILS* 94; Hor. *Odes* iv. 4. 17 ff.; iv. 14. The *ara Pacis* dates to 13 after the pacification.

[11] v. 1. 12. Beloch, *Bev.* 429, justly said that Strabo's words could be applied to the U.S.A. (sc. in 1886), though it was then thinly populated.

notable for *euandria* in one sense of the term.[1] No demographic inference, however, can be drawn from this. On any view of the size of the free Italian population, the legions could have been recruited in Italy, if conscription had been maintained or if volunteers had been forthcoming. The 'penuria iuventutis' of which Augustus complained (p. 130) was the effect not of a catastrophic decline in numbers but of a decay in the martial spirit. In Cisalpina that spirit lasted longer, though it may be significant that some of the most prosperous cities, Aquileia and Patavium for instance, appear to have produced few soldiers;[2] perhaps it was precisely in the less civilized districts that volunteers could be found.[3] Again, if Strabo did mean that the area was populous, he may have been misled by the fact that large census returns were made by single cities, forgetting that they had huge territories and that cities were correspondingly few. This may also have been his evidence for the size of cities; he may not have been thinking of the built-up area enclosed, but rather of the numbers returned by, for instance, the municipal magistrates of Patavium. That he had some access to such census returns is clear from his famous statement that in an Augustan census Patavium had registered 500 men of equestrian rank.[4] That was indeed proof of the city's wealth, but not necessarily of a large population. Patavium specialized in wool, and probably contained merchants who profited from trade on the inland waterways and in maritime traffic (it had a port at the mouth of the Po). An abundance of sheep is not the same thing as an abundance of men, and may exclude it. And other Cisalpine cities were also centres of the wool trade.

Beloch argued that the population of Cisalpina was thin, on the ground that the cities were relatively sparse.[5] Chilver has observed that the territories of some cities were particularly large because they contained so much barren or mountainous land.[6] Their extent may also reflect the old Gallic organization; in Transalpina the *civitates* mostly had territories far greater than was usual for a Greek or Roman town.[7] (The average size of territory is therefore high, though many towns in Piedmont and Venetia did not govern a large area.) We still do not know the density of population

[1] Figures given by G. Forni 160 ff. and A. Passerini, *Le Coorti pretoriane*, 1939, 148 may be tabulated thus:

	Cisalpina	Rest of Italy
Legionaries to A.D. 41	135	36
A.D. 41–68	88	10
A.D. 68–117	58	11
A.D. 117–284	10	4
Praetorians to A.D. 193	403	435

[2] Chilver 120. We have 6 and 5 legionaries, 18 and 9 praetorians respectively (Forni and Passerini, see last n.).

[3] Chilver 75 ff. for recruits in Alpine districts. He notes that Aemilia produced few, 120.

[4] v. 1. 7. [5] *Bev.* 429 ff. [6] 46 ff.

[7] 'It lies in the nature of things', said Beloch, 'that administrative districts must be smaller, the thicker the population' (*Bev.* 430). Not so.

in the cultivated and fertile plains. We might indeed expect that if the population was dense where the cities were sparse, for instance in Lombardy, market towns, where craftsmen serving the rural inhabitants would also be domiciled, would have grown up: but we cannot be sure that this did not happen.[1] Augusta Praetoria, one of Augustus' 28 'coloniae celeberrimae et frequentissimae', received only 3,000 military settlers, though there were also some Salassian *incolae* (not Roman citizens).[2] This was a place obviously inferior to the greater cities of Cisalpina, but almost certainly bigger than some of the *fora* and *conciliabula* which had developed in Aemilia and Liguria. If we take it to be average, and apply the number recorded to about 80 cities in Cisalpina,[3] we have a total, not of 1 million adult males for the Transpadani alone but of about 250,000 for all Cisalpina. On this view Comum would be a larger than average city with its 5,000 Caesarian colonists, assuming that the figure embraces the previous free inhabitants. If Comum itself were average, the total might be 400,000. This is of course mere speculation. At Ravenna in imperial times there seem to have been not less than 112 decuries of *fabri*, if not 150; if each decury numbered 10 men (at Rome it might be 20), there were 1,100–1,500 *fabri* in the town.[4] Probably they were engaged mainly in building and repairing the ships of the fleet stationed there. Ravenna was doubtless exceptionally large from Augustus' time; we can deduce nothing about its previous size, or about any other Cisalpine city.[5] Beloch also tried to show that many cities were small from the areas enclosed by their walls; Chilver has rebutted this.[6] The dimensions of the enclosed area are no safe guide to the extent of the built-up quarters, and no guide at all to the number of rural inhabitants. Nor can we draw any inferences from the seating capacity of amphitheatres, as we do not know whether they were intended to accommodate visitors from other parts (that at Cremona may have been built with the fair in mind) or to magnify the greatness of their cities; who would infer the population of Renaissance Rome from the dimensions of St. Peter's?

Beloch also argued that the number of inscriptions in Cisalpina, only one found (when he wrote) per 12·7 square kilometres as against an average of one per 7·1 square kilometres in peninsular Italy, pointed to thin settlement. (In Bruttium and Lucania there was only one find per 60 square kilometres, and the average was also worse in Apulia and Etruria, but these

[1] Ruggini gives some evidence for *vici* and *pagi*, 31 ff.; 527 ff.

[2] See p. 171 n. 4.

[3] Chilver 45 gives 78, Beloch 82.

[4] [See R. Duncan-Jones (Postscript n. 3) 282 f. for *fabri* at Milan too, and on the *vici* of Ariminum.]

[5] Procopius' view that in 539 300,000 male citizens were killed at Milan (*BG* ii. 12 and 21), then of course a far greater city than *c.* A.D. 1, is less of a curiosity than the estimates of population for Aquileia, 100,000–800,000, made by modern 'reputable authorities' (Chilver 52).

[6] 50 ff. [Cf. Duncan-Jones, op. cit. 276 f.]

are all regions where the population must have been relatively thin.) Of course most inscriptions are imperial, and the argument is sound for the Republic only if we assume not only that there is some correlation between the density of epigraphic finds and of inhabitants but also that imperial conditions are relevant to the Republic. In fact one would think that if population increased at all in Italy after Actium the rate of increase would have been highest in Cisalpina, as clearance and drainage proceeded; moreover, the Po basin was at last secure from northern raids. It is, therefore, the first assumption that is crucial. Admitting some force in Beloch's argument, Chilver urged that 'both the barbarian invasions and the more active rebuilding and development in the north lessened the chance of inscriptions surviving in Cisalpina. Literary evidence shows that Mediolanum was a more important centre than Brixia, but Brixia has more inscriptions.'[1] I would add that the paucity of inscriptions in the region could be partly explained by the hypothesis that a higher proportion of the inhabitants were agricultural labourers on great estates, too poor and illiterate to leave epigraphic traces of their existence.

I shall argue in the next chapter that the only good evidence for the number of Italians domiciled in provinces oversea in the late Republic is the number who could be enlisted in the civil wars. Can we apply the same criterion to Cisalpina? Before 49 Caesar raised 8 legions in his province, about 40,000 men (to say nothing of *supplementa*).[2] *Some* at least of these recruits would have come from cities which had the Roman citizenship by 70 and whose free inhabitants are therefore in principle included in the census of that year. Strictly *all* his recruits should have been citizens and none Transpadani, but we cannot count on Caesar observing the law sedulously. After he crossed the Rubicon, he certainly enlisted Transpadani, who were rapidly enfranchised in 49.[3] But we have no means of telling how many came from Cisalpina, let alone how many were Transpadani.

Chilver concluded that 'no definite figure can be attempted' for the population of Cisalpina.[4] This remains true. Not only have we no numerical data, but our impressions of conditions in the region are consistent with Beloch's view that it was very sparsely inhabited, without demonstrating its truth. In these circumstances our only course is to make an estimate that best fits the census data. Since we must adopt Beloch's view of the Augustan figures, it follows that he must be basically right in his assessment of Cisalpine population: we cannot argue that Cisalpine population *must* have been so high that it necessitates a different interpretation of the Augustan figures. I have allowed no more than 300,000 adult males for the Transpadani in 28 (p. 117). This guess probably means that they had not increased or even

[1] 32 ff. [2] Chapter XXV, section (v).
[3] Caesar *BC* iii. 87. 4. Early in 49 he raised 22 cohorts there, ibid. i. 18. 5.
[4] p 53.

declined in numbers since 225. That would not be surprising. They had been deprived of much of their best land in the conquest and had thus lost the means to make good the heavy losses they had sustained in war. It is of course important to realize that the guess does not mean that the population of Cisalpina as a whole had declined. Even though there had in my view been little unsponsored immigration from the south, the colonists and viritane settlers, who had acquired much of the most fertile land, may have multiplied considerably, and the density of population was probably greater than two centuries before. But these southern immigrants should all have been eligible for registration in the republican census of 69: it was only Gauls and Ligurians who had to wait until 28.

XIV

THE NUMBER OF CITIZENS OVERSEAS BEFORE CAESAR[1]

(i) *Enfranchised Provincials*

EVEN in the Republic some provincials were enfranchised.[2] They might be rewarded with citizenship for their services in wars 'virtutis causa', and this practice probably became rather more common from 90 B.C.; several enabling laws are attested which authorized generals to enfranchise such *peregrini* on the advice of a council, and doubtless there were other laws of the same kind.[3] Marius in the Cimbric war enfranchised two Umbrian cohorts, and we happen to know from an inscription that a troop of Spanish horse received the citizenship in 89.[4] Cicero mentions the first case in his defence of Balbus, but it is the only instance of the kind he names; for the rest his precedents for the grant to Balbus always relate to individuals, generally named, or at most 'quosdam Uticensis et Saguntinos'. One would naturally infer that generals seldom acted as Marius did,[5] and that the majority of provincials who received citizenship before the census of 70/69, or indeed before Caesar's time, were probably men who had individually rendered notable services to Rome; often they would have been members of local aristocracies.

E. Badian has shown that many provincials attested in inscriptions, which are mostly of imperial date, bear the gentile names of families prominent in

[1] See for the east J. Hatzfeld, *Trafiquants*, cf. *BCH* xxxvi, 1912, 5–218 (Delos)—T. R. S. Broughton, *ESAR* iv and Magie do little more than resume his evidence and conclusions on traders (see under 'Resident Romans' in their Indexes), but see Broughton 535–43 on publicans in Asia; for Sicily, V. M. Scramuzza, *ESAR* iii, 1937, 334 ff. (with some false references); for Africa, R. M. Haywood, *ESAR* iv. 26–32; S. Gsell, *Hist. anc. de l'Afrique du Nord* vii, 1928, 58–73, etc.; for Spain, J. J. van Nostrand, *ESAR* iii. 135–7, 143–4; E. Gabba, *Le Origini della guerra sociale*, 1954, ch. X; for Gaul, C. Jullian iii, 1920, 128–30. Cf. in general T. Frank, *ESAR* i, 1933, 151, 154–7, 200–5, 255–8, 271–82, 341–7, 352–8, 387–92. Pre-Caesarian colonies overseas are discussed by F. Vittinghoff; see his Index under the various names. This chapter was substantially written before the appearance of A. J. N. Wilson, *Emigration from Italy in the Republican Age of Rome*, 1966, and has been modified to take account of his views. Wilson ventures on no numerical estimates, but gives the impression that emigration was on a rather larger scale than I think.

[2] E. Badian, *Foreign Clientelae*, 1958, xi with Appendix B.

[3] Sisenna fr. 120 P; *ILS* 8888; Cic. *Balb.* 19 (50 suggests that like powers were given to other generals by similar laws); *FIRA* i, no. 55, ii.

[4] Cic. *Balb.* 46 f.; *ILS* 8888.

[5] No great number of enfranchisements can be inferred from *Balb.* 46 ff., as perhaps suggested by Wilson 11 n. 2.

the Republic, and that sometimes their *praenomina* are identical with those of men of eminence during the Republic who held a command in the province concerned (p. 204 n. 2). But these need not be the men who gave the citizenship to the ancestors of the provincials who bear their names. Some great Republican families survived into the Principate, and many consulars of the imperial age, though not of Republican family, bear the same *nomina* and even the same *praenomina* as celebrated Republican figures. To take one instance, the name Cn. Domitius is widely attested in Gaul, yet it does not follow that holders of that name owed their citizenship to descent from Gauls who had received it from Cn. Domitius Ahenobarbus, consul 122, one of the original conquerors of Narbonensis, or from some other Republican member of the same family (which doubtless continued to exercise patronage in the province); to say nothing of Cn. Domitius Ahenobarbus, consul A.D. 32, the benefactor might have been a Cn. Domitius Afer or a Cn. Domitius Corbulo, who themselves originated from Narbonensis and whose ancestors, presumably local magnates, would have received citizenship from one of the Ahenobarbi. Very few of the Sicilian notables named in the *Verrines* had the citizenship. It seems to me unlikely that there was any large-scale enfranchisement of provincials earlier than Caesar's time. It was clearly regarded as an innovation when he enlisted Gauls in a legion and subsequently gave them the citizenship, though it was an innovation that other generals in the civil wars were apt to follow.[1]

Thus in any attempt to estimate, however impressionistically, the number of citizens domiciled overseas in the pre-Caesarian era, we can safely neglect men of provincial origin, on the ground that they were numerically insignificant, and confine our attention to the *Italici*.

(ii) Italici *who were not Citizens*

Before 90 we have most evidence from the eastern provinces for resident *Italici* engaged in business, but a large proportion were not Roman citizens; even the term *'Ρωμαῖοι*, widely used in the Greek world, designates all Italians.[2] This evidence is mainly epigraphic and we lack corresponding

[1] Suet. *Caes.* 24. 2. See Appendix 29 on *legiones vernaculae*. The Gauls Pompey sought to enlist in 67 (Dio xxxvi. 37) were presumably provincials required for the fleet.

[2] Hatzfeld, *Trafiquants* 238 ff. Wilson 108 ff. observes that of 155 gentilician names of Italians at Delos 54 are Latin; but an unknown proportion of such *gentes* was naturally drawn from Latin towns not enfranchised before 90. Campanians were prominent; and some came from Puteoli, a Roman colony, or from the communities which had been given citizenship *sine suffragio*. Wilson 91 f. is clearly right that Rome's power and the accumulation of capital at Rome gave Romans exceptional opportunities for doing business in the provinces; on the other hand, as he notes (86 f.), the Greeks in Italy had the longest connections with the east; this holds for Sicily too, and his restriction of Livy xxxviii. 44. 3 f. and xl. 42. 4 f. to Romans and Latins alone founders on a correct analysis of Livy's usage of 'socii nominis Latini' and like phrases, see *StR* iii. 660 ff.; Weissenborn–Müller on Livy xxxviii. 44. 5. I doubt if he is right (107) in depreciating the extent to which Roman capitalists would have confided their interests to freedmen or slaves, cf. p. 209 n. 7, p. 213 n. 2.

testimony for the western provinces. But here too it is probable that a high proportion of resident Italian men of business came from allied cities and not from the citizen body; so much is indicated by the very term *Italici*, rather than *cives Romani*, to designate such traders in Africa[1] and Sicily,[2] and it would in any event be surprising if the origin of Italian traders in western provinces was on the whole very different from that of similar persons at Delos. The name of Italica in Spain also suggests that settlers there were not exclusively Roman, and E. Gabba who believes that soldiers made their homes in Spain on a large scale during the Republic (p. 204 n. 1) holds that many or most of them were drawn from the allied cohorts. It is commonly assumed that after the extension of the citizenship to all Italian communes in and soon after 90 all such men of Italian origin, together with their freedmen and the descendants of such freedmen, were entitled to be registered as Roman citizens. But this assumption may not be correct. The mere designation of such men as Italians or even as Romans after the Social war tells us no more about their legal status than it does in the years before 90.

The legislation of 90 B.C. and the following years extended citizenship to Italian communities as such. As a consequence the *Italici* overseas would have become Roman citizens provided that they were registered or entitled to be registered as citizens of those communities. This proviso is of some importance.

The son of a Roman citizen inherited his father's status only if his mother was *civis Romana* or was a woman with whom a Roman could have *ius conubii*. The sons of Roman soldiers in Spain by native women 'cum quibus conubium non esset' were not citizens; some of them had been settled in 170 in a colony at Carteia, to which only Latin status was granted.[3] It was evidently alleged that Q. Varius Hybrida, tribune in 90, who came from Spain, was of such mixed stock, and his title to citizenship was held to be obscure.[4] Wherever veterans settled in the provinces, it is probable that they were apt to contract such mixed marriages, the offspring of which were not citizens. Hatzfeld has adduced some evidence for similar unions made by Italian business men in the East.[5] *Iure gentium*, if there were no *conubium*, the son of a Beneventan by a provincial woman was not a Beneventan, and if Beneventum adopted the Lex Minicia, whose date is unknown, neither was the son of a Beneventan woman by a foreign man;[6] nor did the enfranchisement of Beneventum make him a Roman.

[1] Sall. *BJ* 26, 47. [2] Diod. xxxiv. 2. 27, 32, 34.

[3] Livy xliii. 3. 1–4, cf. Wilson 24 f. Did Carteia benefit from the grant of citizenship to Latin cities by the Lex Julia, like Latin colonies in Cisalpina? [See p. 523 n. 1. Coins show that Carteia was a *municipium* with *quattuorviri* under Augustus (Grant 336).] For soldiers taking foreign wives cf. Caes. *BC* iii. 110. 2.

[4] Val. Max. viii. 6. 1.

[5] *Trafiquants* 108, 294; cf. Wilson 141 f.

[6] In so far as Latin cities adopted the Lex Minicia (Gaius i. 78 f.; Ulpian 5. 8), the child of *peregrinus* and *Latina* was also peregrine.

Italians abroad owned and freed slaves. In the Italian communities in the East freedmen may even have preponderated. How many of these were entitled to Roman citizenship?

The Roman right belonged to slaves of Roman masters who were manumitted *testamento*, *censu*, or *vindicta*. The last mode of manumission required the presence of a Roman magistrate. For Roman business men overseas, both before and after the enfranchisement of Italy, it may not have been at all convenient to appear before proconsuls in, or journeying to or from, their provinces.[1] Probably many slaves were freed informally and were thus not entitled to be registered as citizens.

Little is known about the modes or consequences of manumission in the Italian cities before 90. But it may seem unlikely that Greek cities in Italy, or others that had come under Greek influence, followed the Roman or Latin practice and registered freedmen as citizens. If they had not been so registered, they were not entitled to the benefits of the various laws of enfranchisement. No doubt the Latin cities at least did adopt the Roman practice.[2] But in that case a master in freeing his slave formally, otherwise than by will, must either have registered him in the local census of his home town, or have returned to that town in order to emancipate him before a local magistrate. Once again, it is probable that many freedmen of Italian masters, manumitted before 90, were not eligible for the Roman right, because they were not citizens of any Italian city.

Naturally all the descendants of those *Italici*, ingenuous or freedmen, who were not entitled to Roman citizenship in and after 90, were equally devoid of title to it. And so were the offspring of later mixed marriages, and those subsequently freed without due form.

In the east at any rate, where non-citizens had long been described as '*Ρωμαῖοι*, no one paid any attention to such legal niceties. Hence, even after 90, a fair proportion of the *Italici* or '*Ρωμαῖοι* in the east may well have been non-citizens. *Praenomina*, *nomina*, and *cognomina*[3] with a fine Italian ring could be borne even by natives. An Italian married to a foreign woman, a freedman who had not been manumitted in due form, would surely not have hesitated to give their children the *tria nomina* which appeared as the mark of citizen rank.[4] Nomenclature is thus no certain guide to status.

[1] A conjectural supplement by A. d'Ors of a new fragment of the Lex Ursonensis (L. Wenger, *Anz. Akad. Wien*, 1949, 251) would attest that slaves could be freed before local magistrates in Roman colonies and *municipia* (yet compare Pliny, *ep.* vii. 16. 3); even so, manumissions *vindicta* could only be effected in Italy at this time.

[2] On the assumption that the relevant part of the Lex Salpensana (*FIRA* I², no. 23) is tralatician, slaves in Latin cities would be manumitted and attain local rights by proceedings before the chief local magistrates (Ch. XXVIII, on which see D. Daube, *JRS* xxxvi, 1946, 59 f., 65–6). [Sherwin-White shows this to be impossible, *RC*² 330).]

[3] Hatzfeld, *Trafiquants* 11; II *Verr.* 5, 112, cf. 16; App. *Iber.* 66: 'C. Marcius, a Spaniard from Italica'; 68: robber-chieftains named Apuleius and Curius.

[4] Cf. Plut. *Pomp.* 24. 5.

Claudius forbade foreigners to usurp at least Roman gentile names;[1] the prohibition is better evidence of the practice than of its cessation. We must always require more unambiguous proof of a man's citizenship than his name—for instance, mention of a tribe. We have a list of five Romans, the first (in A.D. 45/6) to hold magistracies in Phrygian Apamea; but while four give their tribe, the last does not, though he boasts the *tria nomina*.[2] It may be conjectured that he, and perhaps others whose conduct provoked Claudius' edict, were *Italici*, but not citizens.

No doubt it was not hard for such persons, who were regarded as Roman citizens in their own milieu, to deceive the authorities and insinuate themselves on to the citizen lists, perhaps by way of municipal registers.[3] The successful prosecution of a freedman servant of Gabinius under the Lex Papia may, however, be noted.[4] Roman generals who enlisted 'citizens' in the provinces during civil wars will not have scrutinized too closely their title to the status, when they even admitted provincials and men of servile birth. Prolonged usurpation of the citizenship by people who thought themselves to be citizens (as many of these *Italici* probably did) and as such rendered good service was to culminate for the Anauni in the validation of their claims; the facts that in the meantime they had not only enjoyed local civic rights in the *municipium* of Tridentum but had even been enrolled as *iudices* at Rome show how negligently local records were kept and how easily they were taken at face value by the central government.[5] Perhaps many *Italici*, whose title to citizenship was equally unsound, could have told a similar story. It has been plausibly argued that from Caesar's time Rome was most prone to enfranchise provincial towns where there was already a nucleus of Italian settlers.[6] Here the natives often benefited because they had been permeated with Italian culture. The citizenship was not to be denied to 'hybrids' who had helped to spread that culture. Italica, where the original veteran settlers must almost certainly have intermarried with natives with whom they had no *conubium*, attained municipal rights at latest under Augustus (Appendix 16), and we might guess that other *Italici* of mixed descent secured citizen status whenever domiciled in a town which became a colony or *municipium*; elsewhere their claims could easily have been overlooked. Such people were also most eligible for enrolment in the legions, when generals in the civil wars had to rely on provincial levies (section vii). But in 69 all men in this class had no legitimate title to be registered as citizens.

Some *Italici* were no doubt refugees or their descendants. We hear of deserters among the *socii navales* in Sicily during the Hannibalic war, perhaps mainly Sicilians (Appendix 24), and of Italian exiles who betrayed Leucas to Flamininus in 197, doubtless people who had taken Hannibal's

[1] Suet. *Claud.* 25. 3.
[2] *IGRR* iv. 792.
[3] Cic. *Arch.* 10, cf. p. 41.
[4] Cic. *Att.* iv. 18. 4.
[5] *ILS* 206, cf. pp. 170 f.
[6] Sherwin-White 170 ff.

side, fled the vengeance of Rome and now earned pardon.[1] Others may have had no like opportunity for restoration to grace, and we cannot be sure that they, or their offspring, all regained civic rights in their towns of origin; they may often have merged in the populations of their new homes. There must have been other political refugees abroad after the 80s, and many Italians were to flee to Sextus Pompey; no doubt they soon regained civic rights.[2]

(iii) *Italian Men of Business in the Provinces*

Whatever their legal status, Italians were widely scattered over both the eastern and western parts of the empire. It may assist us to assess their numbers if we first examine what is known of their occupations.[3] Students and tourists can be disregarded, since their permanent domicile was not abroad, and they could undoubtedly have been registered in the Roman census lists. Only a few rich men can have chosen to live in agreeable resorts abroad for pleasure.[4] Political exiles too may be neglected as numerically insignificant; moreover, they had lost their citizenship; if they recovered it later, they would return home, unless they had found means of livelihood in their new homes. In that case they come within the categories of publicans, traders, bankers and moneylenders, and landholders, which are all amply attested.

Publicans were engaged not only in collecting the direct taxes of Asia and other eastern provinces but also in farming the rents from public lands, in exploiting mines in Spain, in collecting *portoria* in many of the provinces; this is not the place to survey their activities in detail. In Sicily the tithes were sold within the province, city by city, and in so far as Romans competed at the auctions, they were local residents.[5] The principals of other publican companies, the *mancipes* and *praedes*, and presumably the chief shareholders (*socii*), were naturally resident at Rome or in Italy. But they might have Italians as local managers of their affairs, for instance L. Carpinatius, *pro magistro* of the company which farmed the Sicilian *scriptura* and some at least of the Sicilian *portoria*, and his subordinate, Canuleius 'qui in portu Syracusis operas dabat'; a few similar instances are known.[6] Of such supervisory personnel we hear little. They were not always Italians by birth, or even free. When Scaevola was proconsul of Asia in the 90s, a slave held a post designated by Diodorus as that of *τὸν κορυφαῖον οἰκονόμον*,[7] one that must have been of high trust and responsibility. Certainly the

[1] Livy xxiv. 23. 10; xxxiii. 17. 11.
[2] Wilson 58, 61–4, 162 f., 170 ff.
[3] For the east cf. Wilson, ch. XI.
[4] Wilson 59 (Sicily); 146 f. (Athens).
[5] II *Verr.* 3. 14 (but cf. 18 for tithes of wine, oil, and fruit); for Roman *decumani* Scramuzza, *ESAR* iii. 340.
[6] II *Verr.* 2. 169, 171; other evidence in *ESAR* iii. 340. Cf. p. 210 n. 5 and *Fam.* xiii. 9. 3; 'Cn. Pupium qui est in operis eius societatis' (Bithynia).
[7] xxxvii. 5.

subordinates will have been mostly slaves, or conceivably provincials. Polybius recorded that the publicans employed 40,000 men in the Spanish mines; [probably most were slaves, and one might well doubt the assertion that] a 'multitude of Italians swarmed in the mines'.[1] It seems that after Polybius' day, perhaps through sales effected by Sulla, the Spanish mines passed into private ownership, and that some of the owners were Roman capitalists;[2] but they too presumably employed the same kind of labour, servile or native,[3] as the publicans had done. In Asia the publicans had 'familias maximas in salinis, in agris, in portibus atque in custodiis', and it was partly from the 'familiae societatum' in Cyprus that Pompey raised 2,000 soldiers after Pharsalus; by then he was desperate enough not to repudiate slaves as soldiers.[4] Thus the large scale of the publicans' affairs in the provinces did not entail the employment of many free-born Italians abroad. Moreover, even the Italians engaged in local management need not have been permanently domiciled overseas. Cicero refers to P. Terentius Hispo, *pro magistro* in Asia, where he probably resided from at least 51 to 47, as 'meus necessarius';[5] it seems likely that they had been on visiting terms at Rome. One P. Cuspius had twice been in charge of the most important business of the publicans in Africa, but in 56 he was resident at Rome.[6] It would be rash to assume that such persons did not secure registration in 70/69, even if they were temporarily absent from Italy.

In the east the largest class of resident Italians was undoubtedly that of the *negotiatores*. (Publicans too might do business on their own account, like Carpinatius,[7] but their interests might actually conflict with those of the traders.[8]) Hatzfeld showed that they were widely, though not uniformly, spread through Greece, the Aegean islands, and the western parts of Asia Minor but that they had penetrated far less into Syria, the Levant, or Egypt, and not at all into the Black Sea.[9] In the east they were most common in the late second and first centuries B.C., and progressively fewer under the Principate.[10] Within these limits of space and time their economic importance and even predominance can be safely averred. Much of the evidence is epigraphic and for the west evidence of this kind is largely wanting. But there is reason to think that they were not less prominent

[1] Pol. xxxiv. 9; Diod. v. 36. 3, *pace* Wilson 24. He gives some further evidence on publicans, p. 27.

[2] Frank, *ESAR* i. 257–8, cf. 138, 154–7; Van Nostrand, *ESAR* iii. 166–7.

[3] *FIRA* i, nos. 104–5 reveal some free workers in the Spanish mines during the Principate.

[4] Cic. *de imp. Cn. Pomp.* 16; Caes. *BC* iii. 103; *B. Alex.* 70. 7. Cf. *ESAR* iv. 535 ff. (Broughton).

[5] *Att.* xi. 10. 1; *Fam.* xiii. 65.

[6] *Fam.* xiii. 6.

[7] II *Verr.* 2. 169.

[8] *Att.* ii. 16. 4.

[9] *Trafiquants* 185 ff.

[10] Ibid. 189 ff. But see Wilson 92 f., 139 ff. for doubts. In my judgement the abolition of the farming of the direct taxes by Caesar, given that publicans used their capital and influence for other purposes too, makes a subsequent decline in the importance of Italians in the east perfectly credible.

there. The possession of Sicily was especially valuable in Cicero's eyes because its proximity encouraged many Italians to trade and hold land there and its fertility enabled them to grow rich. Italians were found at Syracuse in 211 and Halaesa in 193, and as landowners all over the island by 134; in the *Verrines* Italians appear in numerous cities on the coast, engaged in farming, stock-breeding, banking, moneylending, tax-collecting, and trade. Many were men of considerable wealth, senators and *equites*.[1] In Africa Italian traders were found even before the fall of Carthage,[2] and thereafter they took a large part in the grain trade within and beyond the frontiers of the province.[3] In the 70s Cicero boasted that Gaul was crammed with *negotiatores* and Roman citizens, and that the natives could do no business without their participation; a few years later, Roman usury drove the Allobroges to revolt.[4] By 59 Roman merchants were engaged in traffic with the free Gauls, though they had seldom penetrated to Belgica, and Caesar undertook an Alpine campaign to protect their trade route and free their merchandise from tolls imposed by the native tribesmen.[5] It is chance that we are less explicitly informed of Roman business activity in Spain; from other evidence it is clear that Italians were nowhere more numerous, and many of the *equites* resident there were doubtless engaged in business.[6]

The *negotiatores* comprised bankers, moneylenders, merchants, manufacturers, mining and transport contractors, and shipowners; the term may even include landowners,[7] whom I shall consider below. So far as our evidence goes, the traders were not small retailers, nor were the manufacturers necessarily craftsmen producing goods in small shops for a very narrow market. Hatzfeld produces one instance to the contrary, a fuller;[8] but this man, whom he regards as a mere artisan, may just as well have been

[1] II *Verr.* 2. 6; Livy xxix. 1. 16 f.; *ILLR* 320; Diod. xxxiv–v. 2. 27 and 32; xxxvi. 4. 1, cf. *ESAR* iii. 336 ff.; Wilson 19 ff., 55 ff., esp. 59 f. on the wealth of Italians in Sicily. Livy xxxii. 1. 6 (199 B.C.) does not attest assignation of lands in Sicily to veterans; *contra ESAR*, loc. cit.

[2] Polyb. xxxvi. 7; App. *Lib.* 92, cf. *ESAR* i. 202–3.

[3] Sall. *BJ* 21. 2 and 26. 1 (Cirta); 47. 1, cf. 29. 4 (Vaga); 44. 5, 65. 4 and Vell. ii. 11. 2 (Utica, cf. p. 222 n. 3); Caes. *BC* ii. 25. 6 (200 ships at Utica in 49 B.C.); *B. Afr.* 36. 2 (Italian grain traders at Thysdrus, a poor town, cf. 97. 4; doubtless they monopolized the trade). For individual *negotiatores* cf. II *Verr.* 1. 14 with 3. 155 (Lepcis); *Fam.* xii. 24. 3, 26, 27. Cf. Romanelli, 101 f.

[4] Cic. *Font.* 11–12, cf. 46 (Wilson 11 f.); probably they were especially concerned, as in Africa, in the grain trade, cf. 13. For Allobrogic debts and revolt, Sall. *Cat.* 40. 1; Cic. *Mur.* 42; *Prov. Cons.* 32; Dio xxxvii. 47–8; Jullian iii. 119 ff. for other evidence.

[5] Caes. *BG* i. 1. 3 (Belgica); 39. 1; iii. 1. 2 (Alpine passes); vii. 3. 1, 42. 5, 55. 5. Probably many were engaged in buying grain and other army supplies.

[6] Contractors for army supplies, Liv. xxxiv. 9. 12 (195 B.C.). Moneylenders, Plut. *Caes.* 12. 2. Exactions of money and grain from resident Romans in 49 B.C., Caes. *BC* i. 18. 4. *Equites*, *B. Alex.* 56. 4.

[7] See Brunt, *Second Internat. Conference on Econ. History*, 1962 (1965), i. 126 n. 2 (see reprint in *The Crisis of the Roman Republic*, ed. R. Seager, 1969). Wilson 4 ff. is no doubt right in thinking that 'negotiatores' most often means bankers and moneylenders.

[8] *Trafiquants* 249. A consul of 226 B.C. has the cognomen Fullo.

a master and employer of labour. The richest persons in this class probably retained their domicile in Italy and some probably made only occasional visits to their provincial lands or businesses, which they could manage for the rest of the time through procurators. At any one time some rich men were indeed to be found in the provinces, like the landowners in Sicily (p. 211 n. 1), *equites* in Spain (p. 211 n. 6), and the 300 who formed or directed the *conventus* of Utica in the 40s (*infra*); whether they were permanently domiciled abroad and made no return to censors in their Italian places of origin is another question. However, in so far as they were very rich, they could not be numerous, and could not be of much significance in regard to census figures.

Cicero also writes of shipowners whom he characterizes as 'homines tenues, obscuro loco nati';[1] he surely means that they were persons without political influence. I have argued elsewhere that as a class *negotiatores* were of little importance at Rome politically;[2] they were not for that reason really poor, or they could not then have owned or operated ships or marketed goods in distant ports. Even *equites* could be 'obscure and unknown' in the eyes of the senatorial jurors whom Cicero was addressing,[3] and it suits his purpose here to emphasize that the sacred rights of a citizen must not be flouted, however lowly he might be. None the less, there is other evidence that Italians of very modest means settled abroad. At Delos some *Italici* could, or at least did, subscribe little to building the Italian Agora.[4] At Cyrene in 7–6 B.C. the property qualification for Roman jurors was as low as 2,500 *denarii*, a mere tenth of what was perhaps the property normally required for membership of a municipal council, and Augustus could not be sure that there would be enough men to serve, if it were raised to 7,500.[5] We can imagine that such settlers included exiles, sailors, and soldiers who had made their homes abroad in lands where they had found refuge or had seen service. Some made their fortunes; there is little evidence for this.[6] Others perhaps were in the employment of capitalists domiciled in Italy. Such people might have lost all connection with the places where they had originated, and would not have been registered in the censuses at least before Augustus. Cicero refers to *negotiatores* in Sicily who visited Rome rarely and with reluctance; on the other hand, speaking in 66 of men with affairs in Asia, he distinguishes between residents abroad and capitalists who remained at home and simply invested money in the province.[7]

A high proportion of the *Italici* in the east were freedmen and even slaves. Hatzfeld calculated that of the 'Ρωμαῖοι at Delos, whose status is known,

[1] II *Verr.* 5. 167.
[2] Brunt (op. cit., p. 211 n. 7) 125 ff.
[3] II *Verr.* 3. 60.
[4] *Trafiquants* 250.
[5] *SEG* ix. 8 (*EJ* 311), section 1. Hatzfeld, *Trafiquants* 255, thinks many *negotiatores* were of curial rank. Curial property, Brunt, *AL* n. 22.
[6] *Trafiquants* 158, 231, 249. For soldiers cf. *infra*.
[7] II *Verr.* 3. 96; *de imp. Cn. Pomp.* 18.

88 were *ingenui* (of whom 27 were Greeks from south Italy), 95 freedmen, and 48 slaves. He considers that the ratio of freedmen was actually higher than these figures suggest.[1] At Delos, as at Narona and Samos,[2] freedmen and slaves held offices in local associations and were thus persons of consideration in the Italian communities. There cannot have been much competition from the free-born. Slaves, who will have left fewer records from the time of their servitude than after manumission, must have accounted for still more of the 'Italians'. Both freedmen and slaves might be employees of resident Italians, or agents for those whose place of principal business was at home.[3]

Among the Italian *negotiatores* we find landholders in the provinces. In the east,[4] where there were no colonies founded before Caesar and where a migration of peasants has never been imagined, such landholders are likely often to have been moneylenders who acquired their estates by foreclosing mortgages. Many Italian landholders were certainly capitalists, farming or raising stock (as in Epirus)[5] on a grand scale. In Sicily the luxury and cruelty of Italian *latifondisti* set a pattern to the local magnates and provoked the first slave war.[6] In Cicero's day many Italians were still augmenting their wealth in the island as *aratores* and *pecuarii*. Some were absentees, who managed their estates through procurators; they even included senators.[7] In Gaul too we hear of 'agricolae' and 'pecuarii'.[8] In Africa the *ager publicus* was sold to Roman citizens, or leased either to citizens or *peregrini*, often in large parcels.[9] Cicero's friend, Q. Aelius Lamia, was probably among those who had large estates there, which he managed through procurators with a staff of freedmen and slaves.[10] At a much later date it was said that six men, whom Nero killed, had owned half

[1] *Trafiquants* 247–8. [2] Ibid. 22, 97. [3] Ibid. 248.

[4] Wilson 159 f. summarizes the evidence.

[5] Wilson 93, citing Varro, *RR* ii. 1. 28; i. 5. 1 and Atticus' estates in Epirus.

[6] Diod. xxxiv. 2. 27, 31, 32, 34.

[7] II *Verr.* 2. 6 cf. 188, etc.; absentees 2. 119, 5. 15 (cf. *Fam.* xiii. 38); e.g. senators 3. 93, 97, 152 (under the Principate senators could visit Sicily without special leave, presumably to go to their estates, Tac. *Ann.* xii. 23, but few senators were Sicilians); apart from the senators 5 out of 7 Italian landholders in Sicily listed in *ESAR* iii. 337–8 are *equites*. A distinction between permanent and temporary residents is suggested by 'selecti ex conventu aut propositi ex negotiatoribus' (II *Verr.* 2. 34.).

[8] *Font.* 46 cf. *Quinct.* 12.

[9] *Lex agraria* (*FIRA* i, no. 8) 45 ff. with Mommsen's commentary (*GS.* i. 119 ff.). Right of purchase is apparently reserved to citizens (58, 76, 78, perhaps 94). Purchasers may manage the land as absentees through *magistri* or *procuratores* (51, 56, 69); they are clearly big men, and Mommsen's conjecture (op. cit. 128) that they were state creditors who took land in lieu of money due to them is plausible. Leased land was available to *peregrini*, 82 ff., (? cf. 50) chiefly *ager scripturarius* in Mommsen's view (op. cit. 135); in any case the state probably preferred to let large parcels as in the *Ager Leontinus*, on which see J. Carcopino, *Vierteljahrsschr. f. Soz. u. Wirtschaftsgesch.*, 1906, 169, founded on Cic. *Verr.* ii. 3. 116 and 120.

[10] *Fam.* xii. 29 (cf. the later Saltus Lamianus); note also *Fam.* xiii. 6. 3–4; *Cael.* 73; Nepos, *Att.* 12. 4 ('magnae Africanae possessiones'); *B. Afr.* 36. 2; see Wilson 50 ff.

Africa.[1] In Spain too we hear of owners of large estates, both resident and absent.[2] These capitalistic farmers must be counted, over the whole empire, in hundreds rather than in thousands, and ranked with the class of *negotiatores*; land was for them only another way of making money.

Within the categories of Italians abroad so far considered—publicans, bankers, traders, large landowners, and the like—many were usually domiciled in Italy and only made occasional visits to the provinces; even when they resided overseas for some time, they will have retained their Italian home, and, like Atticus, intended to register in censuses. The same is true of their chief agents. The humbler personnel were largely slaves or freedmen, who may not have been manumitted in such a way as to entitle them to Roman citizenship. And after the first generation many free-born Italians may have been the offspring of mixed marriages, whose status in strict law derived from the mother. If we are to believe that Italian emigration to the provinces was on a large scale in the Republic, we must seek evidence for the settlement abroad of peasants as small farmers. 'Business' in the conditions of antiquity never occupied more than a small minority; most people found their livelihood from the land. The evidence for the settlement of peasants abroad as such must then be more closely examined. Much of it relates to the settlement of soldiers, and Italian soldiers were drawn from the peasantry.[3]

(iv) *Peasant Emigrants*

Seneca in a much-quoted passage wrote: 'Ubicumque vicit Romanus, habitat.'[4] The context refers to the foundation of colonies; in the preceding sentence he says 'hic deinde populus quot colonias in omnem provinciam misit', and in the following he alleges 'ad hanc commutationem locorum libentes nomina dabant et, relictis aris suis, trans maria sequebatur colonos senex.' This testimony then tends to confirm the provisional conclusions reached in Chapter XII that settlement in distant lands, if it was to be on a large scale, had to be organized by the government. When Seneca wrote, the number of transmarine colonies was great and their distribution (at least in the west) extensive. But very few colonies of Roman citizens, even when the term 'colony' is liberally interpreted, were founded before Caesar.

According to Velleius[5] the Gracchan colony at Carthage was the first overseas (123–122); the only other he mentions is that at Narbo (118). The Lex Rubria under which the former was founded was abrogated in 121, but the settlers were not deprived of the lands assigned to them, provided that the total number was not to exceed that specified in the law; by taking out

[1] Pliny, *NH* xviii. 35, cf. Haywood *ESAR* iv. 84 f.

[2] Plut. *Cr.* 4. 2; Caes. *BC* ii. 18. 2 (L. Domitius Ahenobarbus). Cf. ii. 18. 4, *B. Alex.* 59. 2–60. 1. [Varro, *RR* i. 16. 2 refers to land purchases in Spain and Sardinia.]

[3] Brunt, *AL* 73–5.

[4] *Cons. ad Helviam* 7. 7.

[5] i. 15. 4.

6,000 Gracchus was alleged to have ignored such a limitation, but we do not know how many he was entitled to take out.[1] Equally we are not informed how many colonists were sent to Narbo. Its status as a colony is beyond question, yet Caesar refers to Narbo merely as a *civitas*;[2] though the place was probably already flourishing in the Republic, the greater proportion of inhabitants may have been Gauls.

Velleius' statement (if correct) shows that in 123 there were not as yet any other organized settlements of Romans abroad which formally possessed the rank of colony. Some settlements of another kind did indeed exist in Spain. Carteia which by now had the Latin right has been noticed previously (p. 206 n. 3). It is not known that it was promoted to citizen status by the time of Augustus. In 205 the elder Scipio had settled sick and wounded soldiers at Italica. The name suggests that they were mainly at least drawn from the allies. The town did not obtain municipal status until Caesar or Augustus.[3] If the colonists had intermarried with natives, they would hardly have qualified for citizenship under the enfranchisement laws of the Social war. [In 152 (or 169), M. Claudius Marcellus founded Corduba, which Strabo, overlooking Carteia, calls the first colony in Spain;[4] but if we credit Velleius' testimony (p. 214 n. 5), it can only have been a Latin colony at that time. The settlers, Strabo says, were 'Romans and picked natives', but like Appian in his account of the Spanish wars, he may use the term 'Romans' to include all Italians,[5] and Marcellus hardly had the authority to enfranchise natives. In the 40s we hear of a *conventus civium Romanorum* here, which might have consisted not so much of descendants of the 'Roman' settlers as of such rich and influential *negotiatores* as are attested at Utica and elsewhere. Naturally Italian residents helped to Romanize the natives, and Corduba became a Roman colony at latest under Augustus.[6] About 138 D. Brutus settled former soldiers of Viriathus at Brutobriga;[7] like Ti. Gracchus' foundation at Gracchuris (179),[8] this was a non-Roman town. Valentia was perhaps a veteran settlement of the same period, but again, if earlier than

[1] *Lex agraria* 59–61, *cf.* 81; only the site of the town of Carthage remained unoccupied (cf. Cic. *leg. agr.* i. 5; ii. 51; Plut. *Mar.* 40). Appian (*BC* i. 24; *Lib.* 136) seems to think, wrongly, that the colonists did not go out.

[2] *BG* iii. 20. 2 simply classes it with Tolosa. Perhaps most of the inhabitants were non-Roman, cf. p. 249.

[3] App. *Iber.* 38, cf. Vittinghoff 72. *Iber.* 66 refers to C. Marcius, 'a Spaniard from Italica', who had perhaps been individually enfranchised, but cf. p. 207.

[4] Strabo iii. 2. 1. [5] See Appendix 23.

[6] See Vittinghoff 73; Wilson 16 (who seems to be right). But see p. 216 n 4. For Spanish colonies see Appendix 15.

[7] [The name shows that Brutus completed the work of settlement begun by Q. Caepio (App. *Iber.* 86; Diod. xxxiii. 1. 4), Cf. R. Wiegels, *Chiron*, 1974, 153 ff., who shows that Livy *Per.* lv must be confused in making him found Valentia, presumably contemporary (cf. Appendix 15, no. 20).]

[8] [App. *Iber.* 43; *Per.*Livy xli, and Festus 86. 5 L do not prove Italian settlement/; Pliny,

Iunonia, it can at best have had the Latin right; by Augustus' time it was a Roman colony. Q. Metellus Pius in the Sertorian war probably settled citizens at Metellinum, a Roman colony in Augustus' time; no similar foundation at Caecilius Vicus is attested.[1] Finally, in 123 Q. Metellus Balearicus, after conquering the Balearic islands, planted at Palma and Pollentia 3,000 Romans drawn from Spain who may include Italians in his army or Spanish residents of mixed descent.[2] They were under Augustus 'oppida civium Romanorum'.[3] Colonists in these cities would only have been entitled to registration in 70/69, if previously citizens of Rome or of an Italian community enfranchised in the 80s, or descended from such persons by women with whom the settlers had *conubium*, unless of course Latin colonies overseas benefited, like the Latins in Cisalpina, from the Lex Iulia of 90. They, and other Italian settlers in Spain, could furnish recruits for Roman military units in the 40s (cf. pp. 230–2).[4] The other inhabitants, of native or mixed stock (without benefit of *conubium*), would not have been qualified until enfranchised at some date between 69 and one of the Augustan censuses.] Summing up, we may say that probably few inhabitants of these Spanish colonies are likely to have been registered, or entitled to registration, in 70/69, except for those soldiers who found homes after the Sertorian war in Valentia, Metellinum, and probably elsewhere. In general, the free inhabitants of these towns must be regarded as accessions to the citizen body between 70 and 28, since many or most were of wholly or partly native stock.

To these Spanish settlements we may add Mariana (*c.* 100 B.C.) and Aleria (*c.* 80) in Corsica[5] and Cercina off the African coast (*c.* 100), which seems not to have survived for long. It is generally believed that some Marian veterans were allotted lands in the interior of Africa, but the evidence is frail, and the towns that commemorated him as founder in imperial days probably developed out of Gaetulian settlements which he organized.[6] In Narbonensis Sextius Calvinus established a Roman garrison at the city,

NH iii. 24 shows that it obtained Latin status only (before Vespasian). For foundations or resettlements of peregrine cities cf. Cic. *Verr.* ii. 2. 123, 125; App. 11 and 12; App. *Iber.* 100; such places, like Pompaelo and Pompeiopolis, might take the name of the Roman *conditor*.]

[1] Appendix 15, nos. 20 and 35; Wilson 31 n. 4; I disagree with him on Caecilius Vicus. Cic. *Verr.* ii. 5. 152–3 shows that Sertorians, presumably survivors of Perperna's legions, who were Roman citizens, were pardoned by Pompey (though some fled to Sicily and doubtless to other places); both Metellus and he may have found them homes in Spain.

[2] Strabo iii. 5. 1.

[3] Pliny, *NH* iii. 77. This designation does not rule out the possibility that they were colonists at the date of Pliny's source, cf. Appendix 13.

[4] Cf. *B. Alex.* 56. 4: 'ex omnibus conventibus coloniisque conscriptos'; *B. Hisp.* 7. 4: '(legio) una facta ex coloniis quae fuerunt in his regionibus'. I assume that *colonia* is non-technical (cf. also Caes. *BC* ii. 19. 3) and probably includes Corduba.

[5] Pliny, *NH* iii. 80; Sen. *Cons. ad Helviam* 7. 9; Mela ii. 122. For Seneca Corsica was 'aridum et spinosum saxum'; presumably the 'colonies' were small.

[6] For Cercina and the other supposed Marian settlements see Appendix 12.

which he founded, of Aquae Sextiae; however, the city did not advance beyond the Latin right in the early Principate.[1] It is indeed so much a matter of chance that we hear of the Italian settlements listed that there may well have been others of which no record survives. I do not feel certain that any *Italian* soldiers were settled by Pompey as far away as Nicopolis, in the principality of Armenia Minor; there may have been a few volunteers, yet they can hardly have been numerous.[2] The colonies at Carthage and Narbo were vigorously opposed; the scheme for allotting lands overseas to Marian veterans came to almost nothing; in the Sullan period, as again in 63–59 B.C., it was the distribution of lands in Italy that formed the subject of controversy; Caesar was the first to organize overseas colonization on a large scale.

The original size of these transmarine colonies or quasi-colonies was not substantial. The Carteians numbered only 4,000 a generation after settlement, when they received Latinity, the colonists in the Balearic islands only 3,000. Gracchus took out with him to Carthage 6,000 men, but this number exceeded that authorized by law and in 111 only the authorized number of settlers were confirmed in their allotments (p. 215 n. 1). In Narbo the colonial element was probably small (p. 215 n. 2). In Cisalpina the normal strength of a colony was only 2,000–3,000,[3] and it is likely that few, if any, of the transmarine foundations (except Carthage) were larger.

It must also be noted that according to Plutarch the Gracchan colonists at Carthage were drawn from the most respectable citizens, and that the *lex agraria* shows that they were allocated up to 200 *iugera* apiece.[4] 'This colony was not intended for the proletariat. Nor perhaps was Narbo, which may be regarded as a colony established in the Gracchan pattern.[5]

Did Italian peasants settle in the provinces outside such 'colonies' as have been listed? Frank suggested that 'it is very likely that when Italians were driven off the public lands by Roman renters and by the Gracchan assignments, they moved into Sicily in large numbers, especially after the devastation of Sicily by the first servile war, which gave immigrants a chance for a new start'.[6] There is no evidence for this hypothesis. The presence of Italians in Sicily certainly antedates Gracchus' agrarian law. But no less in the time of Cicero than in that of the first slave revolt they seem to have been large landowners. The small farmers of whom we hear in the *Verrines*,

[1] Strabo iv. 1. 5; *Per.* Livy lxi calls it a colony. Latin right, Pliny, *NH* iii. 36, cf. Vittinghoff 100.

[2] Dio xxxvi. 50; Oros. vi. 4. 7; A. H. M. Jones, *Cities of Eastern Roman Provinces*, 158.

[3] See pp. 191 ff.; also Chapter XV, section vii. [4] *C. Gr.* 9. 2; *Lex agraria* 61.

[5] Its cognomen *Martius* is reminiscent of Gracchus' Junonia, Minervia, and Neptunia. H. Mattingly, *JRS* xii, 1922, 231 ff. argues that it was a veteran settlement.

[6] *ESAR* i. 279. V. Scramuzza, *ESAR* iii. 336, cites some particulars of colonization in Sicily, but the colonists are never stated to be Italian; his references to Polybius are wrong, and Livy xxxiii. 1. 6 has nothing to do with Sicily.

men with but a single plough,' were native Sicilians. We have no indication that large numbers of Italian peasants moved to Sicily at any time. Yet no province was more attractive from its fertility and proximity.

This is not to deny that individual Italian peasants did acquire land in the provinces. It seems probable that for the most part they would have been soldiers, who had often become accustomed to life in a region where they had served for many years; booty may have given them the wherewithal to buy and equip a farm, or to set up some kind of business; sometimes they were perhaps in a position to seize land by violence. Their actual presence in a province naturally made it possible for them to grasp opportunities which would have been unknown to compatriots in Italy, hundreds of miles away.

According to R. E. Smith, in the post-Sullan era it also 'became accepted practice' for veterans to receive a grant of land on discharge, normally near the town where they had been stationed, or perhaps money to buy property for themselves. But he could cite no evidence for this theory; the controversies evoked by proposals to grant lands to veterans between 80 and 49 show, on the contrary, that Sulla had set no recognized precedent and created no system for rewarding soldiers with land on discharge.[2] It must therefore have normally been by purchase or violence, without any assistance from the state, that soldiers were able to establish themselves in the provinces in the period before Caesar.[3]

This was probably most common in Spain, where two or more legions (with allied cohorts) were almost continuously stationed from the second Punic war to 90. It is no accident that more settlement is attested here. E. Gabba has shown that in the Ebro valley there is evidence for the presence of men of Osco-Umbrian speech, probably veterans from Italian cohorts serving there before the Social war.[4] E. Albertini pointed out that 'the vocabulary of the Latin-speaking Spaniards showed an archaism which is probably due to the fact that Latin became current in Spain in the second century B.C. and that under the Empire the Italian immigrants were too few

[1] II *Verr.* 3. 27.

[2] Smith, *Service in the Post-Marian Roman Army*, 1958, 51–3.

[3] *AL* 79 f. Violent acquisition of property by soldiers in provinces was expressly forbidden under the Principate (*Dig.* xviii. 1. 62, pr.; xlix. 16. 9; *Gnomon* of Idios Logos 111); the abuse is unlikely to have been unknown in the Republic. Valerius Antias *ap.* Liv. xxxv. 2. 8 alleged that as early as 193 B.C. a praetor was sent to Africa to enrol 'vagos milites de exercitu Africani'; this may not be historical, but may reflect the conditions of Antias' own time. [Cf. Livy xxix. 1. 16 f.]

[4] Op. cit. (204 n. 1), drawing on the researches of Menéndez Pidal. *Contra* Gabba, I do not think that Strabo's statement (iii. 5. 1) that the colonists for Palma and Pollentia in 123 were drawn from Romans in Spain demonstrates that the Roman immigrants in Spain were numerous enough to feed a new emigration; to an unknown extent the colonists could have been serving soldiers in Spain. The few early inscriptions attesting the presence of Romans in Spain, milestones, and coins all prove nothing to his purpose. [Livy xxviii. 24. 7; xxxix. 31. 5; xl. 35. 7 attest the desire of soldiers serving in Spain to return home.]

to bring the vocabulary up to date with the Latin spoken in Rome at that time'.' The early Romanization of the people in the valley of the Guadalquivir points to immigration of a considerable number of Italians in that part of Spain,[2] and if (as argued above) the number of publicans and other men of business was relatively low, the so-called colonies few, and unorganized emigration of civilians from Italy unattested and improbable, this can only be explained by assuming that many Italian soldiers made their home in the peninsula, where long service had assimilated them to provincials,[3] probably, however, few brought Italian wives or had issue entitled to be counted Roman in law. This process must have been quickened by the Sertorian war. For some years there were not far from 100,000 Italians serving in Spain, under Metellus, Pompey, and Perperna; at the same time Sertorius deliberately set out to Romanize his native supporters.[4]

In Narbonensis again legions were often stationed after the conquest in 125–120,[5] with perhaps similar results, though as the province had been much more recently formed, we should expect fewer military settlers there. (There is no evidence that Saturninus' proposal to allocate lands in Gaul was executed.[6]) Eventually, but after Caesar, Narbonensis was so thoroughly Romanized that it seemed more like Italy than a province.[7]

Roman armies seldom operated in Sicily or Africa[8] and few veterans are likely to have settled there. Sicily remained a land of Greek culture, and probably there was no substantial immigration into Africa before Caesar, as epigraphic and archaeological evidence reveals no earlier cultural change.[9] Troops were rather more often employed in Sardinia, but the pestilential character of the more fertile lands there probably deterred soldiers from settling.[10]

Some veterans also made their homes in the east. Verres is said to have sold a ship to two deserters from the Fimbrian legions in Asia.[11] Other Fimbrians apparently owned property, perhaps in the province.[12] A former centurion of Metellus Creticus had grown rich as a resident in Macedon by 43 B.C.[13] Some of Pompey's and Gabinius' men took service as mercenaries

[1] *CAH* xi. 491. The explanation seemes highly dubious.
[2] Str. iii. 4. 20.
[3] Cf. *B. Alex.* 53. 5: 'diuturnitate iam factus provincialis'. Lucilius 490 f. M. refers to the possibility of 18 years' service in Spain, probably abnormal (pp. 400 f.).
[4] Plut. *Sert.* 14.
[5] Chapters XXIII, section (iv); XXV, section (iv) (*a*).
[6] App. *BC* i. 29. The same applies to projected colonies in Sicily, Achaea, Macedon (*de vir. ill.* 73. 5), cf. p. 198.
[7] Pliny, *NH* iii. 31.
[8] Chapter XXV, section (iii). Sicily required legions only in slave revolts.
[9] Romanelli 109.
[10] Strabo v. 2. 7.
[11] II *Verr.* i. 87 with Ps-Ascon. 244 St.; Sall. *Hist.* ii. 78–9; Plut. *Sert.* 23; App. *Mithr.* 69.
[12] App. *Mithr.* 90.
[13] Cic. *ad Brut.* i. 8.

with the Ptolemies; earlier, Italian mercenaries are found in Crete.[1] Pompey settled some of his soldiers at Nicopolis.[2] L. Piso discharged his Macedonian legions locally in 55 and claimed that his procedure was a kindness to them.[3] Cicero castigates it as contrary to custom, but Appius Claudius in Cilicia also proposed to discharge soldiers in his province, where Cicero was able to recall a band of *evocati* to the standards.[4] In 49 Pompey raised some 12,000 Italians from the east; these included a weak legion, probably less than 4,000 strong, of veterans discharged in Crete and Macedon, presumably by Metellus Creticus and Piso.[5] We must not infer that it was usual for soldiers to remain after demobilization in their provinces. In Crete Metellus Creticus had had 3 legions and Piso not less than 3 in Macedon; Pompey mustered one-sixth or less from the survivors of these armies. It will be argued later that the reserves of Italian manpower in the provinces were everywhere low. Moreover intermarriage between the veteran settlers and native women, as at Carteia, was probably common, and the offspring of such marriages were not citizens. R. E. Smith has plausibly conjectured[6] that the recruits for some *legiones vernaculae* of the civil wars were such Romanized people; the veterans of V Alaudae were thought competent for jury service.[7] However, 'hybrids' were not entitled to registration on the census lists.

(v) *The Size of* Conventus

Where Italians were present in a provincial town in any numbers, they tended to form communities which could take concerted action and be designated as *conventus*; in the imperial, but not in the Republican, period these *conventus* are sometimes known to have been organized under *curatores*.[8] The wealth of the members and their influence with governors or other highly placed Romans made them politically important locally, wherever they existed. In three Dalmatian towns they seem actually to have been in control. Before 48 Caesar had handed over the town of Lissus to the

[1] Caes. *BC* iii. 110; Hatzfeld, *Trafiquants* 159.

[2] Dio xxxvi. 50. 3 ('wounded and worn out soldiers'; were they legionaries or provincial auxiliaries?). Natives were incorporated in the city, whose foundation seems to be modelled on those of Alexander (see, e.g., Arr. *Anab.* iv. 4. 1), and not to be typically Roman; for Pompey's emulation of Alexander see M. Gelzer, *Pompeius*, 1949, 59, 84, 100, 107, 134 f.

[3] Cic. *Pis.* 47, 92, 96.

[4] *Fam.* iii. 3. 2; xv. 4. 3.

[5] See p. 228 below.

[6] Smith 55 ff.; Appendix 29.

[7] Cic. *Phil.* v. 12; xiii. 3, 37 (cf. *ILS* 206 for the inference).

[8] Groups of 'cives Romani qui consistunt' or 'qui negotiantur', of 'Ἰταλικοί or 'Ρωμαῖοι οἱ πραγματευόμενοι or κατοικοῦντες or (παρ)επιδημοῦντες (Hatzfeld, *Trafiquants* 193 ff.) are conveniently listed for Asia Minor by Magie ii, Appendix IV. (Properly κατοικοῦντες relates to permanent residents, (παρ)επιδημοῦντες to visitors, Wilson 113 ff.) For *conventus* see above all Kornemann, *RE* iv. 1173 ff., esp. 1180 ff., with list of those attested 1182 ff.; there were doubtless many more. Hatzfeld, 257 ff., in my view refuted his thesis that they already possessed in the Republic some organization like that known in a few instances from the Principate.

local *conventus* and had it fortified for their protection; during the civil war the Roman residents rendered him substantial aid.[1] The *conventus* of Narona had its *magistri* and quaestors, who were responsible for the town fortifications,[2] and that at Salonae defended the town against Pompeian attack in 48 and afforded a refuge to the Caesarian general, Gabinius, in 47.[3] It is not unlikely that other Dalmatian *conventus* were of the same kind,[4] but elsewhere (unless perhaps at Corduba and other Spanish so-called colonies)[5] the *conventus* were not organs of local government but associations of Italians within self-governing communities.

The economic and political importance of such an association is not an index of numerical strength. No assessment can be based on vague statements in literary sources that there were many Italians resident in a named province or town. Cicero, for instance, tells us that there were many Italians who enriched themselves in Sicily as *negotiatores* or landholders, that innumerable ('sescenti') such Italians complained against Verres, that 'permulti' were engaged in business at Agrigentum alone and that the *conventus* of Romans at Syracuse and Lilybaeum were very large;[6] no doubt it was chiefly in these places that they congregated, as they were the administrative centres of the island. Similarly he says, unfortunately without specifying proportions, that many Romans in 66 had investments in Asia or were actually resident there in business, and that there were many Roman business men in Pergamum, Smyrna, and Tralles, though few in Cyprus;[7] Strabo attests that later there were many in Petra.[8] Such terms as 'many' or 'few' are relative; what is the standard of comparison? The Italian residents at Agrigentum are described as 'viri fortes atque honesti'; they were clearly men of substance; Cicero could say that there were 'permulti' in a single provincial town if they counted two or three dozen. In such texts as I have cited it is Cicero's purpose to bring out the importance of the Italian interests concerned, and he would not have scrupled to say that Italian residents were numerous, even though they mustered at most a few score, when the number of 'viri honesti' throughout Italy was itself fairly small. Moreover few towns in antiquity were large, and where a few hundred 'Italians' were present in a native population of 10,000 or so,[9] they could reasonably be regarded as numerous. As Wilson says of the Italians in Sicily, 'amid the population of the province, or even of the place where

[1] Caes. *BC* iii. 29, 40.
[2] *ILLR* 206, 629; *Jahrb. f. Altertumsk.* ii. 87 f.
[3] Caes. *BC* iii. 9; *B. Alex.* 43.
[4] G. Alföldy, on Iader (78 ff.), Epidaurum (139 f.), Scodra (143). In Alföldy's view the first Italian residents in all those places were traders.
[5] Caes. *BC* ii. 19. 3, cf. p. 216 n. 4.
[6] II *Verr.* 2. 6 and 119, 4. 93, 4. 67, and 5. 40.
[7] *De Imp. Cn. Pomp.* 18; *Flacc.* 74; *Att.* v. 21. 6.
[8] xv. 779.
[9] Centuripae, one of the 5 or 6 largest cities in Sicily, had 10,000 citizens (II *Verr.* ii. 163, cf. *ESAR* iii. 334). In Asia many cities were probably larger.

they lived, the settlers were undoubtedly a small minority, but in a province so close to Rome, they must, by the Ciceronian age, have acquired a local importance beyond their numbers'.[1]

We cannot argue from the significance of their activities to the conclusion that they numbered many thousands. Inscriptions show us groups of resident Italians making dedications, erecting buildings, sharing with the local citizens in benefactions, and co-operating with them in passing decrees. All this attests their economic and political power. But a few rich men, with political influence, could bulk large in our records. Provincials would pay court to

> Romanos rerum dominos gentemque togatam,

even though they were a mere handful.

A Messenian inscription, conjecturally dated to *c.* 100 B.C. and certainly Republican, shows that at Messene 'Romans' and other aliens were enrolled in one of the six tribes and paid rather more than 10 per cent of the *eisphora* levied on the tribes; other 'Romans' and aliens, not so enrolled, paid a roughly equivalent sum.[2] (The distinction was doubtless between foreigners more or less permanently domiciled in Messene.) Messenian land is the most fertile in Greece, and we cannot conclude that Romans were as prominent in other Greek cities. Indeed we cannot even say how numerous they were at Messene. A. Wilhelm has made a guess about the total population of the city, but even if we adopt it, we are ignorant about the proportion of property-owners, liable to *eisphora*, to the total population, and the proportion of Romans to other aliens assessed for *eisphora*. Even if only a few Romans owned property in Messene, it would have been tactful for the city to have distinguished them from other aliens.

Cicero says that at Syracuse there were 100 citizens who could have borne witness to the citizenship of T. Herennius, a banker of Lepcis.[3] This perhaps gives us only a minimum figure for the residents at the Sicilian capital, one of the most flourishing cities in the empire. The large *conventus* at Utica, the chief city of Africa, comprised at least 300 citizens, engaged in shipping, moneylending, and other activities and possessed of numerous slaves.[4] Plutarch refers to these 300 as a council of advisers for Cato, and it has been supposed that it was in fact a council of the resident Roman community; both Plutarch and Appian probably confuse it with the so-called senate of Pompeian senators and *equites*.[5] The author of the *Bellum Africum*

[1] Wilson 56.

[2] *IG* v. 1. 1433, best published by A. Wilhelm, *Jahreshefte* xvii, 1914, 48 ff.

[3] II *Verr.* 5. 155.

[4] Sall. *BJ* 64. 5–6, cf. 65. 4; Vell. ii. 11. 2 attests 'magna multitudo' of *negotiatores* there in 108; cf. Cic. II *Verr.* i. 70 and Val. Max. x. 2 (8a); Caes. *BC* ii. 36. 1; Cic. *Ligar.* 24; *B. Afr.* 68. 4. The 300: *B. Afr.* 88, 90; Plut. *Cato Minor* 59–65; their activities and slaves, 59, cf. *B. Afr.* 88.

[5] Plut. 59. 2, cf. App. *BC* ii. 95; later Plutarch makes the distinction clear (63–4).

certainly appears to distinguish the 300 from other Roman *negotiatores* in Utica, when he writes that Caesar harangued 'civis Romanos negotiatores et eos qui inter CCC pecunias contulerant Varo et Scipioni'.[1] But this distinction may not be intended. Since Romans in Africa were often landholders as well as merchants and moneylenders, we may translate the text as 'Roman citizens—business men and those (others) who belonged to the 300 and had contributed' to the Pompeians. The same author goes on to say that Caesar ultimately imposed the enormous fine of 200 million HSS on the 300 as a body; he has no word of any imposition on *negotiatores* who were not members of the 300.[2] I am inclined to think that apart from their freedmen and perhaps a few others of smaller means the 300 comprised the whole Italian community at Utica. Caesar also fined Thapsus 2 million HSS and the resident Romans there 3 million, and Hadrumetum 3 million and the resident Romans 5 million. It is probable that the Roman *conventus* in these towns were richer than the townsmen (unless they were more harshly punished on the ground that their conduct was more heinous; Roman citizens at Zama suffered confiscation for having taken arms against the Roman people). At Thysdrus, a humble place, Italian traders and landholders had brought in 300,000 *modii* of grain, and everywhere in Africa the Italians may have had most of the wealth in their own hands.[3] But, however that may be, it would seem that the Italians at Thapsus and Hadrumetum were far less rich or numerous, or both, than their compatriots at Utica; and yet there were probably not very many of the latter.

These Italian 'colonies' sometimes took a prominent part in the defence of the towns where they lived. Sallust thought that Cirta was held against Jugurtha principally by the valour of the resident Italian business men.[4] Some allowance must be made for patriotic exaggeration. At the time of the first assault on Madrid by General Franco's forces (and later) it was believed abroad that it had been repelled by the International Brigade, yet these volunteers as yet comprised only 1,900 men, and the victory belonged to the populace of Madrid; the importance of the Brigade, which never had more than 18,000 men in the line at any one time, was persistently overstressed.[5] In 88–87 the Italians in Delos defended themselves against Mithridates and his allies (p. 225 n. 3), but elsewhere little or no resistance seems to have been offered.[6] In 48 the Roman *conventus* at Salonae in Illyria held out against the attacks of the Pompeian admiral, Octavius (p. 221 n. 1); the size and composition of Octavius' force are uncertain,[7] but

[1] 90. 1. The 300 may well have included Pompeian refugees from Italy.
[2] 90. 3. [3] *B. Afr.* 97 (Zama, Thapsus, Hadrumetum; Thysdrus, *cf.* 36. 2).
[4] *BJ* 22. 2, 26. 1 and 3.
[5] Hugh Thomas, *Spanish Civil War*, 1961, 325, cf. 637. [6] Magie i. 216 *ff.*
[7] Octavius' squadron probably comprised no more than the 50 ships of his colleague. Libo (Caes. *BC* iii. 23); compare the story of his later operations against Vatinius (*B. Alex.* 44–7). Appian alleges that the 100 best Pompeian ships were manned by Romans

his men were poor fighters, as the later operations against Vatinius were to prove;' Caesar expressly says that the Romans in Salonae were 'few', perhaps a few hundreds—the standard used is now one of military manpower, not social and economic—who could well have held a place of natural strength against an attack that lacked determination. In the neighbouring Lissus the local *conventus* of citizens 'qui Lissum obtinebant' defended the walls with the help of a garrison (p. 220 n. 7). At Antioch the Romans in concert with the citizens seized the citadel after Pharsalus and barred the city against Pompeians.[2] Here the local inhabitants naturally followed the lead of the influential Romans in their midst. In Dalmatia and Spain some towns were controlled by *conventus* or so-called colonies of Italians.[3] At Utica the Pompeian *conventus* dominated the Caesarian town until the news of the battle of Thapsus had arrived;[4] we have to reckon not only with the proximity of Pompeian troops, but with the numerous slaves of the resident Italians, who were even recruited for the Pompeian army.[5] All such incidents hardly enable us to form even an impression of the number of Italians domiciled in particular places.

(vi) *Mithridates' Massacre of Italians*

The belief that some hundreds of thousands of Italians migrated from Italy in the late Republic rests above all on the story that Mithridates massacred 80,000 in Asia. In the east Italians were surely more numerous after than before 88, if only because 'Romans are now found in regions previously not open to them, or, at any rate, not entered by them';[6] and in the west there may well have been more of them at all times. But the figure 80,000 has no good claim to credence.

In 88 B.C. Mithridates ordered the peoples of Asia to massacre on a given day all Romans and Italians with their wives and children and their freedmen of Italian birth.[7] Appian describes in some detail the massacres at Ephesus, Pergamum, Adramyttium, Caunus, and Tralles, and says that the victims included not only freedmen but slaves of Italian birth.[8] It is very probable that all freedmen and slaves of resident Italians were treated as Italian if they were not known to be of local origin, or at least if they spoke Latin or some other Italian language. It was doubtless freedmen and slaves who discarded the toga and resumed their native dress, to avoid slaughter.[9] Appian, like most of our authorities, gives no estimate of the numbers

(*BC* ii. 49), but wrongly, as he says in the same chapter that Pompey was short of Italians, and the evidence on his legions confirms this; Kromayer 433–7 plausibly held that Appian has exaggerated the size of Pompey's fleet, see *contra* Rice Holmes, *RR* iii. 432.

[1] *B. Alex.* 44–7.
[2] Caes. *BC* iii. 102.
[3] See p. 216 n. 4; p. 221 nn. 1 f.; 221 nn. 3 f.
[4] Caes. *BC* ii. 36. 1; *B. Afr.* 87, 90; Plut. *Cato Minor* 65.
[5] *B. Afr.* 36. 1, 88. 1; Plut. *Cato Minor* 60.
[6] Wilson 127.
[7] App. *Mith.* 22. Other sources in Magie ii. 1103 n. 36.
[8] App. *Mith.* 23.
[9] Posidonius (Jacoby no. 87), F. 36.

killed: Orosius said that they were uncountable.[1] But Valerius Maximus stated that Mithridates' letter procured the death of 80,000 *citizens* in business in Asia,[2] and Memnon gave the same figure for *Romans*.[3] On the other hand, Plutarch gave the number of *Romans* killed as 150,000.[4] A much lower estimate is implied by Cassius Dio, who says that Sulla's massacre of prisoners after the battle at the Colline Gate made that perpetrated by Mithridates seem trivial.[5] He gives no estimate of the number of prisoners Sulla killed, but in other sources estimates vary from 4,000 men to four legions, i.e. a maximum of 24,000.[6]

In 88 also the Athenians, who adhered to Mithridates, made an attack on Delos, but their force, which cannot much have exceeded 1,000 men (the number killed or captured), was almost annihilated by local levies under the 'general, Orobius', probably a resident Roman named Orbius.[7] Next year, however, Mithridates' general, Archelaus, or perhaps rather a subordinate officer, Menophanes, captured Delos and 'some other places' (which Hatzfeld took to be other Aegean islands).[8] According to Appian, in those places Archelaus killed 20,000 people, mostly Italians.[9] Pausanias says that Menophanes put to death at Delos both resident foreigners and the Delians themselves and carried off women and children as slaves.[10] Strabo held that Delos was desolate as a result.[11] It is in fact certain that many of the inhabitants survived—perhaps they had fled in advance—and that some of the resident Italians were able to return while Sulla was still in the east.[12]

Beloch argued from Appian's figure that the population of Delos comprised about 50,000 men, women, and children.[13] But Appian expressly refers to other places besides Delos, and Beloch's estimate is a mere guess. P. Roussel inferred from a complete ephebic list of 119/18 that the bourgeoisie from whom ephebes were drawn numbered about 5,000; the calculation is uncertain, and the proportion of bourgeoisie to total population a matter for speculation.[14] However, he remarked that Beloch's hypothesis implies a greater density in the built-up part of Delos than in Paris of 1920. His own conjecture of 20,000–30,000 seems far more likely to be true. Very possibly Appian assumed (wrongly) that no males escaped on Delos (as Strabo and Pausanias seem to have done) or on the other islands, and his figure is a guess of the total number of adult males in *all* these places. It should not need to be said that he is not referring to Italians alone; he

[1] vi. 2. 2. [2] ix. 2, ext. 3. [3] Jacoby, no. 434, ch. 22. 9. [4] *Sulla* 24. 4.
[5] Fr. 109. 8. [6] Gabba on App. *BC* i. 93. 432.
[7] Poseidonius F. 36. 53. I do not see how W. S. Ferguson, *Hellenistic Athens* (1911), 444–6 could estimate Orobius' levies as ten times the strength of the assailants.
[8] *BCH* xxxvi, 1912, 119. [9] *Mith.* 28.
[10] iii. 23. [11] x. 5. 4. Cf. Wilson, op. cit. 142 f.
[12] *BCH* xxxvi. 126–8. [13] *Bev.* 182.
[14] *BCH* lv, 1931, 438 ff.

thought that they constituted the majority of the victims, but on Delos the population included of course Athenians, residents from many parts of Greece, and other aliens, particularly Syrians. Even if we uncritically accept Appian's figure of 20,000 killed, the Italians at Delos need not have much exceeded 10,000, in my view far too high an estimate. Moreover, 'Italians' probably includes (as in Asia) their freedmen and even slaves who were not of local origin. Hatzfeld was therefore quite wrong in supporting the estimates given above of the number of Italians massacred in Asia by asserting that 20,000 were killed at Delos and in the Cyclades.[1] On the contrary, Appian's figure casts doubt on these estimates. To judge from the epigraphic evidence and from what is known of its general importance as an emporium at this time, Delos was by far the chief centre for Italian traders in the east;[2] Hatzfeld admits that there is so little evidence in inscriptions for their presence up to 88 in Asia that the recorded number of Mithridates' victims is surprising.[3]

Hatzfeld has contrived to defend both the estimates of Valerius Maximus (and Memnon) and of Plutarch. He supposes that the former relates to citizens alone and the latter to all Italians. I will not press a possible objection that this implies that citizens slightly outnumbered other Italians in Asia at this time, whereas the Italian trading communities at Delos and most other places were chiefly composed of persons who lacked the citizenship in 90;[4] it might be argued that the proportions were different in Asia, because there the Roman publicans were active with their vast *familiae*. There is, however, no warrant for Hatzfeld's view in the texts; all the estimates refer to Romans, though (as Appian shows) all Italians were involved in the massacre, and non-Romans were probably in the majority. Hatzfeld suggests that Livy, the presumed source of Valerius Maximus, drew on Roman statistics which covered only citizens. But what statistics? There is no ground for thinking that they existed, or could have been compiled. Who counted the corpses? Since Orosius eschewed giving a figure, though he delighted in gloating on Rome's earlier calamities, it might even be doubted whether any figure stood in Livy's narrative. It is far more rational to suppose that the estimates diverged for the same reason that we find so many variants in figures for casualties; the truth was not known and there was thus almost infinite scope for imaginative invention. Sulla, on whose memoirs Plutarch probably drew, certainly tended to exaggerate.[5] But even the lower estimate of Valerius Maximus and Memnon deserves small respect. Naturally since the distinction between citizens and other Italians had never been observed by Greeks, and was in process of vanishing in Italy, the estimate included all Italians, probably even the Italian

[1] *Trafiquants* 45.
[2] *Trafiquants* 46.
[3] *BCH* xxxvi. 5 ff.; Strabo x. 5. 4.
[4] *BCH* xxxvi. 130–4, 151; *Trafiquants* 238 ff.
[5] Magie ii. 1103 n. 37, 1106 n. 44. See Hirschfeld, *Kl. Schr.* 201 ff.

slaves Appian tells of, but it is probably still far too large. (*a*) There can have been no good evidence, and inflated estimates are common. (*b*) The number given is not plausible in relation to that given for the victims at Delos and the islands (which is in turn too high) considering the dearth of other evidence for Italians in Asia at this time. (*c*) Dio implies a much smaller number—though his source may well have ignored servile casualties as 'vilis sanguis'. (*d*) The losses recorded in the massacre are comparable with those sustained by Italians in the fighting of 90–88 and 83–82, yet Cicero's allusions to it are remarkably colourless, if so many Italians had been killed by the Asians.[1] Doubtless a few thousand *ingenui* and freedmen perished.

A modern parallel may be adduced. Contemporary estimates of the number of Huguenots killed on St. Bartholomew's day, 1572, in Paris alone varied from 2,000 to 10,000; if the subsequent massacres in the provinces are taken into account, from a little less than 15,000 to 70,000. These estimates were made by observers as well able to judge as any Romans in 88, and perhaps no more biased. Two generations later a Catholic prelate was to put the figure as high as 100,000, and a Catholic apologist at 2,000. A modern writer concludes that no estimate can be regarded as reasonable or probable.[2] Be that as it may, there is too much evidence for the inflation of figures by ancient writers to warrant any faith in the recorded numbers of Mithridates' victims.[3]

(vii) *Recruitment of Italian Soldiers in the Provinces*

The most reliable evidence that bears on the question of the number of Italians domiciled abroad relates to army recruitment of citizens in the provinces. It will not indeed provide any exact assessment, but it throws the gravest doubt on those proposed by Frank.

[In 51 Cicero enlisted citizens locally in Cilicia, but found that they were 'few'; in Syria Bibulus did not even try.[4]] (Hatzfeld held on other grounds that Cilicia was little frequented by Italian *negotiatores*.[5])

[1] *de imp. Cn. Pomp.* 7; *Flacc.* 60.

[2] H. Noguères, *Massacre of St. Bartholomew*, 1959, 158 ff. [3] Appendix 28.

[4] *Fam.* xv. 1. 5: 'quam ob rem sutem in hoc provinciali dilectu spem habeatis aliquam causa nulla est. Neque multi sunt et diffugiunt qui sunt metu oblato; et quod genus hoc militum sit iudicavit . . . M. Bibulus in Asia, qui, cum vos ei permisissetis, dilectum habere noluerit. Nam sociorum auxilia . . . imbecilla sunt . . .' Smith 49, n. 1 (op. cit. p. 218) distinguishes this as a levy of *socii* from the levy of citizens in *Att.* v. 18. 2, but wrongly; Cicero could not have said 'neque multi sunt' of the provinciais. He presumably founds his view on 'nam', taking it to be explanatory, but (as pointed out by G. H. Poyser, *CR*, 1952, 8–10) from its original asseverative sense 'nam' often comes to mean 'indeed' or even 'similarly'; here Cicero gives two instances linked by 'nam' of the need for a new army from Rome: (*a*) a local *dilectus* of citizens in of no use; (*b*) provincial troops (or rather those of client kings) are unreliable. I am indebted for discussion to the late A. F. Wells. Cicero's 'evocatorum firma manus' (*Fam.* xv. 4. 3, cf. iii. 6. 5) must have been 'reliable' rather than 'strong'.

[5] *Trafiquants* 138 ff.

In civil wars commanders cut off from the recruiting ground of Italy had no choice but to enlist men in the provinces. They even admitted freedmen and provincials to the legions besides raising auxiliary units from the subjects. But their first resort was naturally to enlist resident Italians of free birth. Tradition and convenience alike demanded that course. Italians might already have seen some military service, and they were more easily amalgamated with any Italian troops already at the disposal of the generals concerned. Concentrated to some degree in towns, and conspicuous by their foreign speech and manners, the Italians domiciled abroad cannot have been hard to find, and in crises conscription is likely to have been ruthless, though such rich men as formed the *conventus* at Utica were readily spared from serving in person, because of the value of the financial contributions they could make. It must even have been possible to enlist a higher proportion of Italians in the provinces than in Italy itself. There conscription was limited by the need to leave the majority of free men of military age in civil employment essential for the life of the community and for the supply of the armies themselves, but in the provinces the subjects could sustain the economy by their own labour; and nothing but favouritism stood between the fit Italian and enrolment in the legions.

What then do we find? The evidence may be surveyed area by area.

In the *east* during 49 Pompey and his officers raised 3 new legions, 2 in Asia, and 1 from veterans settled in Macedon and Crete, and all the 9 legions he had at Dyrrhachium were reinforced by recruits from Greece and Epirus as well as by survivors of 15 Caesarian cohorts. Caesar expressly describes these legions as consisting of citizens, and I believe that this description must apply equally to the men enlisted in Greece; provincial levies are separately recorded. Metellus Scipio brought up 2 more legions from Syria already strengthened by Bibulus' local conscription; he had conscribed men in Asia, and it is a reasonable supposition that he reinforced his legions, so far as he could, from resident Romans. But the average strength of the Pompeian legions was only 4,000 men; a year's recruiting had secured not many more than 12,000 men from Asia, Crete, Macedon, Greece, and Syria. In addition Pompey had 2,000 *evocati* drawn from his old soldiers, who may either have followed him from Italy or rallied to him in the east.[1] And it seems likely that Pompey had more or less exhausted the supply of citizens in these provinces. True, after Pharsalus he issued a proclamation at Amphipolis, ordering all men of military age in Macedon, Greeks and Romans, to muster there for enlistment; but Caesar plausibly held that its purpose was only to disguise his plan of flight. In Cyprus he enlisted 2,000 men from the *familiae* of the publicans and from *negotiatores*; most of these were presumably slaves.[2] I see no reason to think that

[1] Caes. *BC* iii. 4, 31–2, 88.

[2] Ibid. 102. 2, 103. 1.

Caesar's *legio Pontica* comprised more than a few Roman residents in Pontus.'

In 43 Brutus was able to form 2 legions of citizens in Macedon, but they were composed not only or principally of ordinary residents; they included volunteers from Italy, deserters from other units, and survivors of the Pompeian army, perhaps also some colonists sent out by Caesar. He then had to resort to raising 2 new legions from native Macedonians; he pleaded in vain that recruits should be sent to him from Italy.[2] 'There is no record that Cassius enlisted any Italians in his army in Syria and Asia,[3] and though he too doubtless found and enrolled a few, only Brutus recruited enough to form new legions. Yet the Republican legions remained below strength averaging little more than 4,000.[4] Brutus and Cassius were in fact outnumbered by the triumvirs; surely they would have seized on any available Italian recruit. Italians whose title to the citizenship was dubious and even freedmen would not have been exempt. 'Thus the evidence points to the presence not of 80,000 or 100,000 Italians in the east but rather of about 30,000.

Later still, Antony was surely short of Italian soldiers, and it called for remark that Sextus Pompey was able to enlist Italians whom Caesar had settled at Lampsacus,[5] one of 7 colonies that Caesar had established in the east, perhaps composed largely of freedmen.[6] Thereafter Antony himself probably resorted to the enlistment of Orientals.

In *Africa* the Pompeians raised 2 or more probably 3 legions in 49,[7] but they were so weak that Curio regarded them with contempt,[8] and attempted to conquer the province with 2 legions of recruits, whose loyalty was uncertain; there is every sign that but for Juba he would have succeeded.[9] Again the levy of perhaps 12,000 men in a province to which a Gracchan colony had been sent probably exhausted the supply of Italians; natives and even slaves were drafted into the new legions raised during 47 by Metellus Scipio and other Pompeian leaders.[10] Caesar founded or designed some 7 or 8 colonies in Africa, partly populated with freedmen,[11] and as a result there

[1] *B. Alex.* 34, 39 f.

[2] Cic *ad Brut.* ii. 4. 4. On Brutus' colonies in Macedon see Appendix 15, nos. 79–83.

[3] For provincial legions raised in the east by Bassus and Dolabella see p. 486. Dio xlvii. 26. 1, 27. 3; Cic. *Fam.* xii. 14. 6, 13. 3 refer to conscription about this time of easterners, but not for legions.

[4] About 80,000 foot (App. *BC* iv. 88) in 17 legions (p. 487).

[5] App. *BC* v. 139.

[6] Freedmen at Corinth, Str. viii. 381. Freedmen probably formed the bulk of the colonists in the eastern colonies planned by Caesar. Sextus was not averse to enlisting men of servile stock; conceivably Brutus and Cassius were.

[7] Chapter XXVI, section (i). [8] Caes. *BC* ii. 23. 1. [9] Ibid. 27–33.

[10] *B. Afr.* 19. 3, 20. 4, 35.4 and 6, 36. 1, 88. 1. The Pompeian generals had 10 legions—Juba 4 (ibid. 1). Cic. *Att.* xi. 7. 3 assumed that in 48 the Pompeians could only carry on the war in Africa 'barbaris auxiliis fallacissimae gentis'.

[11] The new settlers at Carthage are described as Roman volunteers and a few soldiers

were more Italians on whom the rival generals could draw during 43 to 36. The exact composition of the new legions raised by Cornificius, Sextius, and Lepidus in these years is unknown, however, and in any event irrelevant for assessing the number of citizens in Africa before the Caesarian colonization.[1] Until then, Africa (with Italians present on the land in some numbers) could contribute perhaps rather fewer soldiers to the legions than the east.

In *Spain* a greater density of Roman settlement might be expected at least in the valleys of the Ebro and Guadalquivir and in some parts of the coast. Yet this expectation is not confirmed by the evidence about recruitment, no doubt because so many descendants of earlier settlers were of mixed parentage and lacked citizen rights (section ii).

The private force raised there (*c.* 83 B.C.) by Crassus of 2,500 men need not have been Roman.[2] Sertorius is reported to have armed the Roman settlers in 82–81,[3] yet he had only some 9,000 soldiers with whom to oppose the Sullan legions, and when he had to flee from the peninsula in 81, he took with him only 3,000; it was with the survivors of this small force, 2,600 men 'whom he called Romans', that he returned in 80, and Plutarch's language implies that in law they were not all citizens.[4] No doubt Sertorius' successes now enabled him to enlist more resident Romans, and Perperna brought him some 5 Italian legions; Appian refers more than once to his 'Italian' followers.[5] But he relied more and to an increasing extent on the natives, while trying to Romanize them. The history of the Sertorian war is too dark to illuminate our present inquiry.

There is more to be learned from events in and after 49. In that year about a third of 5 Pompeian legions disbanded by Caesar, perhaps 8,000 men, had property or homes in Spain,[6] and an equal proportion may well have been present in the sixth legitimate legion, which Caesar retained in service. Some of these men may have been locally enlisted, others may have established themselves in Spain, after being drafted from Italy. No effort was made, however, by the Pompeians in Nearer Spain to raise any more soldiers locally from resident Romans, though numerous auxiliaries were called up;[7] only in Further Spain Varro held a levy and brought his 2

(Str. xvii. 833). A freedman held office there and at Clupea (*ILS*, 1945), others at Curubis (*ILS* 5319–20, cf. *CIL* viii. 978, 12452); freedmen may be presumed in the other Caesarian colonies, cf. Chapter XV, section (vi).

[1] In 41 B.C. Sextius, having lost his legions to Fuficius Fango, raised a new force of some (τινάς) veterans and a mass of Africans, App. *BC* v. 26.

[2] Plut. *Cr.* 6. 1. The land where Crassus disembarked belonged to a Roman.

[3] Plut. *Sert.* 6. 5.

[4] Ibid. 7. 2, 12. 2. They probably included Romanised natives, *contra* Gabba 91.

[5] *BC* i. 108–9, 112, 114. I see no reason to think, *contra* Gabba 92 f., that they included many soldiers raised in Spain.

[6] Caes. *BC* i. 86. 3, 87. 4–5. Dio xli. 23. 1 alleges that Caesar re-enlisted some as volunteers. Q. Cassius' *evocati* (*B. Alex.* 53. 1) were probably drawn from this class.

[7] Caes. *BC* i. 39.

legions up to full strength.[1] We also hear of two cohorts 'quae coloniae appellabantur', which were presumably composed of Roman settlers.[2] One of Varro's legions was a *legio vernacula*.[3] Since the other legions consisted in part of resident citizens, and since natives in general served in *auxilia*, it is reasonable to suppose that this appellation means that the legion was composed of Romanized natives, perhaps partly of Italian descent (cf. p. 220 n. 5). It is highly significant that even Varro, who had more time for preparation than his colleagues in the north and who controlled the valley of the Guadalquivir, did not try to raise a new legitimate legion in 49. With perhaps some 10,000 Roman residents already enlisted in the 6 legitimate Pompeian legions, and the two *cohortes colonicae*, the Pompeian generals apparently did not think it wise to lay any further military burden on this element in the population.

In 48 Caesar's governor, Q. Cassius, instituted a levy among Roman *equites*. His aim was simply to extract money in lieu of service.[4] He also raised a new legion locally;[5] of its composition we know nothing. It has sometimes been taken to be a second vernacular legion on the strength of a manuscript reading in the *De Bello Hispaniensi* where the author is enumerating the good legions available to the younger Pompey in 45; among them 'duae fuerunt vernaculae quae a Trebonio transfugerant'.[6] But Mommsen argued that we should read here 'vernacula et II' in place of 'vernaculae', and this is probably correct.[7] Cassius' new legion then was perhaps raised from citizens in Spain. After 47 it is heard of no more.[8] Perhaps Trebonius had disbanded it. Besides the two legions mentioned, the younger Pompey could rely only on two others, one formed 'ex coloniis quae fuerunt in his regionibus' and another consisting of the remnant of Afranius' army in Africa. The rest of his 13 legions were composed of natives or even slaves.[9] This again does not suggest that there was a large reservoir of citizen manpower in Spain.

[1] Ibid. ii. 18. 1. [2] Ibid. ii. 19. 3.
[3] Ibid. ii. 20. 4, cf. *B. Alex.* 53. 5, 54. 3, 54. 1.
[4] *B. Alex.* 4–5. [5] Ibid. 50. 3, 53. 5.
[6] *B. Hisp.* 7. 4.

[7] *B. Hisp.* 12. 1, 20. 4–5 refers to a *legio vernacula* in the singular. It thus seems that there was not more than one. This must be the *legio vernacula*, which with the IInd had turned against Q. Cassius; his newly raised legion did not. A continued association between these two ex-Pompeian legions in joining the younger Pompey is plausible. Further, II is mentioned as a Pompeian legion (13. 3). Cf. Mommsen, *GS* vii. 64, *contra* H. Botermann, 188 f. (unconvincing).

[8] The vernacular and IInd legions also disappeared after Munda.

[9] *B. Hisp.* 7. 4 (cf. 30. 1) where Mommsen reads: 'reliquae (legiones) ex fugitivis auxiliariisve consistebant.' Slaves were also drafted into the *legio vernacula* (12. 1). Sextus Pompey had been anticipated by his brother, cf. App. *BC* ii. 87. *Auxiliarii* will be natives who had seen some service in native *cohortes* and *alae* (cf. Caes. *BC* i. 39; ii. 18). On *B. Hisp.* 31, reporting the Pompeian loss at Munda of 3,000 'equites Romani, partim ex urbe, partim ex provincia' see C. Nicolet, *L'Ordre équestre* 208 f. the figure relates to losses in cavalry, some Roman, some provincial.

To sum up, in 49 some 10,000 resident Romans may have been serving in six Spanish legions, many of whom may have owed their residence to legionary service, and not vice versa. Five of these legions were disbanded in 49. The resident Romans thus discharged were then available for later levies. They may have formed the kernel of the legions raised locally by both Cassius and young Pompey. Cassius' new legion is not known to have still been in service by 45. At no time is there evidence for more than 10,000 Roman residents being with the standards simultaneously. An estimate of 30,000 Roman residents, before Caesar extended citizen rights and planted new colonies in Spain, might not be too low.

In *Transalpine Gaul* there is no clear evidence for recruitment of citizens before Caesar's death.[1] In 44–43 Lepidus re-formed three legions in Hither Spain and Narbonensis. It seems likely that he must have drawn on recruits from Romanized towns which lacked citizen rights; Caesar had in all probability widely extended the *ius Latii* in Narbonensis, but there had not been much new settlement of Italians there since 49. At the same time Plancus was raising 2 legions in Gallia Comata, and it is inconceivable that he could have found enough men from Italian residents there. Probably he did not scruple to enlist Gauls who had become somewhat Romanized in the course of service as auxiliaries.[2]

The number of Italians recruited by the Pompeians during 49–45 in the east, Africa, and Spain cannot then have been much above 40,000, or to allow a margin of error, 50,000, and it would seem that there was no great reservoir of Italians who had been left undisturbed by their levies. In Africa and Spain at least able-bodied freedmen would have been enlisted without scruple. That does not seem to have been true of the levies in the east, and we must no doubt assume that a high proportion of 'Italians' there were freedmen. No doubt, too, the levy was unpopular, and there was much evasion. However, foreigners were conspicuous and Italians were seldom loved; the provincials would hardly have done much to assist Italians in escaping the conscription, and the Pompeians' need for men must have made them ruthless in taking every available man. It is also true that there were no levies in Illyricum, in Sicily, or (before 43) in Gaul, but the *conventus civium Romanorum* in these areas can hardly have been populous. It seems to me that we might estimate the total number of adult male 'Italians' abroad at 150,000, and still doubt whether all were legally entitled to regis-

[1] Caesar called out men from Tolosa and Narbo for an expedition against the neighbouring Sontiates, *BG* iii. 20. 2, and 22 cohorts from Transalpina for local defence in 52, vii. 65. These soldiers need not have been citizens, nor enlisted for regular service. Such experiments led on to the formation of V Alaudae. But *contra* Jullian iii. 191 n. 5 I believe that other allusions to recruiting 'in the province' are to levies primarily in Cisalpina. Dio xxxvi. 37 (67 B.C.) concerns 'dilectus remigum'.

[2] About this time Plancus was actually settling Romans at Lugudunum and Raurica (*ILS* 886; Dio xlvi. 50. 4, cf. Vittinghoff 68-f.); it might be that he enlisted some of these settlers temporarily.

ter at a census. However, I do not press the latter point, considering that the greater liberality with the citizenship shown by Caesar and his successors makes it likely that half-breeds and freedmen who had not been manumitted under the due forms of law, and their descendants, would readily have been recognized as citizens in the census of 28.

Now the evidence suggests that Italian activity in the east reached its peak in the late Republic, and probably that was no less true of the west; some of the settlement in Spain was surely a product of the Sertorian war; in particular, the survivors of Perperna's legions can have had little option but to make their homes there. If 150,000 is a fair estimate of the number of 'Italians' in the provinces overseas *c.* 49, we should reduce it to, say, 125,000 *c.* 69.

(viii) *Conclusions*

Few provincials were enfranchised before Caesar (i). Most citizens overseas must then have been emigrants; however, many 'Italians' abroad were probably not entitled to citizen rights (ii). The Italians in the provinces of whom we know most were capitalists, who were necessarily few in number, together with their freedmen (iii). Few colonies, even if we use the term loosely, had yet been founded overseas. Some veterans undoubtedly settled in the provinces, though there was no state scheme to provide them with lands there; but these apart, there is no evidence for peasant emigration, and the idea is wildly implausible ((iv), cf. Chapter XII). The *conventus civium Romanorum* were of no great size, though sometimes affluent and influential (v). No reliance can be placed on fables that in 88 Mithridates massacred 80,000 or even 150,000 Italians in Asia, and the report of the number killed at Delos is equally untrustworthy (vi). Hence, the only criterion for determining how many 'Italians' were domiciled overseas is to be found in the evidence for recruitment of 'Italians' in the civil wars of 49–42. At most not more than about 50,000 can have been enlisted, at least until freedmen were accepted for the legions. We might then *guess* that there were about 150,000 'Italians' in the transmarine provinces *c.* 49 and rather fewer, say 125,000, in 69 (vii). These must have included many who were not strictly entitled to citizen rights, but probably their title, or that of their descendants, was confirmed by the census of 28. By that time the number of citizens overseas had greatly increased, by how much I shall seek to determine in the next chapter.

XV

THE NUMBER OF CITIZENS OVERSEAS UNDER CAESAR AND AUGUSTUS

BETWEEN 46 B.C. and A.D. 14 Italians continued to live in peregrine communities outside Italy, and enfranchisement of individual provincials, mainly for service in the army, proceeded more rapidly than in the past. Above all, numerous Roman colonies were founded in the provinces, and many provincial towns became *municipia* with Roman citizenship. Thus more citizens were domiciled outside Italy than ever before; indeed the number increased, with the foundation of new colonies and *municipia*, between Augustus' first census in 28 B.C. and his last in A.D. 14.[1] For the purpose of determining the meaning of the Augustan census figures it has been necessary to make some estimate of the numbers of citizens living abroad (Chapter IX). In this chapter I propose to justify this estimate. It is inevitably conjectural. There are uncertainties about the number of colonies and *municipia* founded, their dates, and their average size. One can only hope to assess roughly the order of magnitude in these developments.

Much of the detailed evidence will be found in Appendices 15 and 16, where the colonies and *municipia* concerned are listed and numbered; in this chapter, for ease of reference, each colony or *municipium* mentioned will be given its appropriate number, e.g., C 1, M 1, etc.

(i) *The Dating of Colonies and* Municipia

It is extremely hard to determine which colonies and *municipia* owed their status to Caesar and which to his adopted son, or to another of the triumvirs. The foundation of a colony or enfranchisement of a provincial town is seldom dated with precision either by the express testimony of literary sources or by unquestionable inferences from inscriptions and coins. Scholars have therefore relied on the titulature of towns for dating. Some are called Iulia, others Iulia Augusta, others simply Augusta. Unfortunately the first title could be given to towns not only by Caesar but also in his honour by a triumvir, and by Octavian himself in his own name at any date before he assumed the title Augustus. It is certain that some Julian towns were post-Caesarian. Thus, 'colonia Firma Iulia Secundanorum

[1] I need waste no words on the theory that provincial *municipia* had only the Latin right, refuted by A. N. Sherwin-White, [*RC*² 337 ff.]

Arausio' (C 5) cannot be Caesarian, as Caesar had no veteran second legion, and 'Tingi (C 61) became a *municipium* in 38 and a colony later, yet it was styled 'colonia Iulia'. In Narbonensis and Spain many communities which received only the Latin right from Caesar or in the triumvirate had the Julian title; most of these were not promoted within our period;[1] but other such Latin communes in these provinces which were also Julian may have kept their original appellations without change, when raised to Roman status, even if the promotion occurred after 27. Thuburbo Maius, which did not become a *municipium* before Hadrian nor a colony before Commodus, still incorporated the Julian name in its title, probably in memory of a grant of Latinity before 27 (p. 595). The titles Caesarina or Caesarea may equally go back to Caesar or Octavian and yet be borne by a town which was not fully enfranchised until Augustus' Principate. On the other hand towns which undoubtedly obtained colonial or municipal rank before 27 took the Augustan title, evidently to commemorate a new settlement or other benefits received after 27; thus Lugudunum (C 8), Raurica (C 9) and Gades (M 1), none of which have the Julian name, while the Caesarian colony of Buthrotum could style itself on one coin 'colonia Augusta' (C 78) as well as 'Julia' elsewhere. Towns did not always give their full titles on coins or inscriptions; Tubusuctu (C 54) was 'Iulia Augusta', yet in an inscription of A.D. 74 it dropped the name 'Augusta'; if that inscription were our only evidence for dating the colony, we might conclude that it was founded before 27. The titulature of some towns is very sparsely attested, and there may be many cases in which it is not given fully, and is therefore misleading. Philippi (C 83) and probably Berytus (C 100) were each Iulia Augusta, yet founded in the triumviral period. But perhaps a colony or *municipium* founded after 27 could be called Iulia Augusta in memory of some past favours received from Caesar. Some privileged towns have no known *cognomina*. Titulature thus only creates a mere presumption for a chronological hypothesis.

The elder Pliny in his accounts of provinces names colonies and *municipia*, and appears to draw generally on Augustan *formulae provinciarum* for their status. For Sicily this official source can be dated after 21/0 B.C., but before the end of Augustus' reign (p. 240). Here towns known to have become colonies (C 67) or *municipia* (M 30–3) before A.D. 14 are not so described by Pliny, and apparently acquired their status after the time when the relevant *formula* was drawn up. However, Pliny's accuracy cannot be entirely relied on. For Africa he made his list of coastal towns from a *periplous* which did not record their legal status; he did not systematically supplement it on this point either from the *formula* or from his own knowledge (see Appendix 13). For Spain he gives totals of Roman and Latin towns, without identifying them all by name; thus we know that he has

[1] Narbonensis, Vittinghoff 64 f.; for Spain, Appendix 14.

omitted to specify the status of some privileged towns (Appendix 14). In other provinces, where he fails to give totals, he may also have failed to mention the status of every privileged town. In the east he does not specify the status of some towns which were undoubtedly Roman early in Augustus' Principate. The fact that Pliny does not describe a town as a colony or *municipium* is thus not absolute proof that the town did not appear as such in the *formula* that he himself used.

It will be shown later (section v) that Caesar planned more colonies than were actually established in his lifetime, and we may ascribe to his designs some founded by Lepidus, Plancus, and even Republican officials a year or two after his death. Colonies which in this wide sense are certainly Caesarian include Narbo, a refoundation (1), Arelate (2), Baeterrae (3), Lugudunum (8), Raurica (9), Hispalis (12), Urso (13), Celsa (23), Carthage (37), Clupea (38), Curubis (39), Corinth (77), Buthrotum (78), Cassandrea (79), Dium (80), Lampsacus (88), Heraclea (90), and Sinope (91), a total of 18. But, as he also planned the emigration of 80,000 Italians and as a colony was normally only 2,000–3,000 strong (section vii), the list is probably incomplete. Of colonies that *may* be Caesarian Ucubi (16) may be thought to go along with Hispalis and Urso, and Nova Carthago (21) and Tarraco (22) with Celsa; likewise the remaining African coastal colonies, Carpis (40), Neapolis (41), Hippo (42), and Thabraca (43), perhaps too Uthina (44), with Carthage, etc.; I would also think that Turris Libisonis (64) was a proletarian and, therefore, a Caesarian colony, and that some of the remaining colonies in the east, Dyrrhachium (81), Pella (82), perhaps Philippi (83),[1] Dyme (84), Byllis (85), Cnossus (87), Apamea (89), and Parium (93) may well have been Caesarian. In addition he may have given the style of colony to Corduba (11), though I incline to think that it was acquired later, Iader (73), Salonae (74), Narona (75), and Epidaurum (76), where there had been important *conventus civium Romanorum*; new settlement in some of these places cannot be excluded.[2] Noviodunum (10) may also go with Lugudunum and Raurica. The total of 41 colonies, 'Caesarian' in design, is probably excessive; but we cannot be sure which of those not securely dated should be put later, probably after Actium.[3]

For my purpose it is less important to identify the Caesarian colonies than to determine which antedate the census of 28. Probably all those named in the last paragraph do so. To these we may add:

[(*a*) the Spanish Valentia (20), and perhaps the two Corsican colonies (p. 216 n. 5), while Parma (30) and Pollentia (31) probably became *municipia* (p. 592);]

[1] Here there were soldiers too, cf. P. Collart, *Philippes*, 1937, 223 ff.

[2] If proletarians were settled at Salonae (C 74), they were probably Caesarian, cf. p. 252. One might guess that pro-Antonians from Italy were settled in Illyricum after Actium.

[3] The only colonies which I have termed Caesarian without proof and which lack the cognomen Iulia (with or without Augusta) are Byllis, Iader, Narona, and Epidaurum. Of colonies named in this paragraph Tauromenium and Senia also lack a cognomen.

(*b*) 2 or 3 triumviral but pre-Actian colonies, Tauromenium (71), founded in 36,[1] Cirta (51), and perhaps Senia (72);

(*c*) some colonies founded for veterans immediately after Actium. To this class we may surely assign Forum Iulii (6) and probably other colonies which are entitled Iulia without Augusta, viz. Arausio (5), Iptucci (15), Acci (27), Sicca (50), Zulil (62), Babba (63), Banasa (64).[2] This criterion is far from decisive (*supra*), and for reasons given in Appendix 15 I exclude some towns in Lusitania (33 and 36) and Africa (46 and 49), although they bear the simple Julian title. I have also not included any town called Iulia Augusta on the basis of its titulature; for, though it could be that such a colony was founded first as a *colonia Iulia* and only took the Augustan name to commemorate some new favours, a practice exemplified both in the provinces (p. 238 n. 2) and in Italy by Beneventum and Capua,[3] it seems to me likely enough that in the years just after Augustus assumed his new name, the double title may still have been taken *ab initio*. Some, e.g. Berytus (C 100), may be earlier than 27, but there are reasons for thinking that most veterans settled in 30 were given allotments in Italy, and that not many more than 30,000 were settled overseas (Chapter XIX, section vii); it is, therefore, not plausible to date too many provincial colonies to *c.* 30, allowing about 3,000 settlers to each colony (pp. 259 ff.). After Actium there was indeed some civilian settlement overseas; supporters of Antony in Italy were forced to find new homes at Dyrrhachium, Philippi, and probably Cassandrea and Dium, in order to make room for veterans, and the new settlers at Carthage (C 37) might belong to the same class.

The minimum number of colonies dated, more or less probably and most with certainty, before 28 is 57. Not all of these received Italian emigrants. They include 5 pre-Caesarian colonies which are not known to have been reinforced, together with Corduba and 5 towns in Illyricum which were previously *conventus*, and 2 Gallic places, Noviodunum and Raurica, which were evidently intended for *auxilia*. Moreover, of the 57 colonies Lampsacus and Heraclea had disappeared before 28. Thus 55 colonies remained of which not more than 44 need have comprised Italian emigrants; even here some of the veterans must have been of non-Italian stock, in view of the extent to which provincials were recruited in the civil wars.

There remain on my list 45 colonies which may be dated after 28. They include 10 Mauretanian colonies, of which 9 at least (52–60) are most

[1] G. Manganaro, *Archaeol. Class.* xv, 1963, 13 ff., commenting on an inscription which proves the colony to have been founded before 19, accepts this date but argues that the colonists were proletarians, not veterans Octavian discharged in 36 (p. 331), who, in his view were pro-Antonian. This there is no reason to believe, see C 71.

[2] On p. 333 I suggest that Antony's veterans were probably settled in the provinces; for the number eligible see p. 338 n. 3. Dio li. 4. 5 might also imply that Lepidus' old soldiers were not given lands in Italy; they could appropriately have been settled in Africa. Some of the possibly Caesarian colonies (p. 236) must be post-Actium.

[3] Appendix 17.

naturally put before or in 25 (but cf. p. 596); Tingi (61), already a *municipium*, might have attained colonial status later, perhaps without *deductio*. Emerita (32) and the 'Pisidian' colonies (94–9) belong to 25, Syracuse and probably 3 other colonies in Sicily (66, 68–70) to 21, Patrae (86) to 14; only Panormus is clearly after that year (67). Elsewhere I suggest that 50,000 veterans were discharged between 27 and 15, 70,000 in 14, and 30,000 or a few more after 14; the last received cash bounties rather than land (Chapter XIX, section vii). We should therefore expect the foundation of provincial colonies to come almost to an end in 14, before the census of 8 B.C. Probably only one colony was founded in Italy after 30 (Augusta Praetoria in 25);[1] though many veterans were probably sent in groups or as individuals back to Italian *municipia* and colonies, more may well have been accommodated with provincial lands. All the 45 colonies of this period were genuine veteran settlements except three: the Gallic Valentia (4), Vienna (7), and probably Tingi; their colonial status at this time is disputed. Naturally, existing provincial colonies may have received reinforcements. This supposition would explain, though it is not the only possible explanation, why colonies demonstrably or probably founded before 27 and called Iulia later became Iulia Augusta.[2]

The suggested distribution of colonies before and after 28 is far from certain at all points; too often the accepted dating of a foundation rests only on titulature and is, therefore, only tentative; all colonies which there is no special reason to place before 28 have been consigned to the later group. But we cannot, I think, be far wrong, if we suppose that less than half the colonies listed belong to Augustus' Principate; and on the whole, they are also less considerable places than those which must or may plausibly be considered earlier.

Few of the *municipia* can be dated. Gades (M 1) is undoubtedly Caesarian; Tingi, later a colony (C 61), belongs to 38 and Utica (M 25) to 36; Messana (29) and Lipara (34) probably preserved their citizen status when other Sicilian towns were disfranchised, and can thus be said to go back to 44. Uselis (28) should also be triumviral, and there is some reason to put Saguntum (12) about 29; the dating of Dertosa (15), Calagurris (18), Osca (20), and Turiasso (21) to the same time is still more fragile. Olisipo (11) was treated as Caesarian by Vittinghoff, on the insufficient ground that it is 'Julia' (like Dertosa and Calagurris); all may indeed be triumviral, if not Caesarian, or they may have taken the *cognomen*, when accorded the Latin right, and retained it on promotion. There is better reason in my judgement for holding that Caesar gave municipal rights to Italica (2), and the 8 small Illyrian places (34–41), which may rather be colonies or

[1] p. 171 n. 4.

[2] viz. Buthrotum, Cassandrea, Dium, Dyrrhachium, Pella, Philippi, Dyme. Pax Iulia (33), Vienna (7), Simitthus (47), and Assuras (49) are special cases, see Appendix 15.

dependencies of colonies, should have received their privileges at about the same time as Salonae, etc. Denda (48), and Stobi (49), if not Caesarian, were surely enfranchised when Caesar's ideas were still prevalent. Indeed, if there is no certainty that Caesar founded more than one *municipium*, many more *may* be his, and few can be dated with confidence after 28. It is attested by Dio that in 14 Augustus conferred the citizenship in Gaul and Spain, apparently on communities as such;[1] we might think of the honorary colonies of Valentia and Vienna in Gaul, and of Bilbilis (M 17) and other unidentifiable *municipia* in Spain; thereafter and late in the reign, probably subsequent to the census of 8 B.C., he may have done no more than restore citizenship to 4 Sicilian towns (M 30–3). It would be not unlikely that half or more of the 49 *municipia* listed in Appendix 16 had acquired their status either from Caesar or from the triumvirs, including Octavian himself, and that Augustus, once he was master of the state and did not need to conciliate support wherever it could be won, was less prodigal with the citizenship to peregrine communities.

(ii) *The Policy of Enfranchisement*

It is agreed that Caesar was much more ready than Republican statesmen had been to enfranchise provincials. He extended the citizenship to the Transpadani, to the people of Gades and conceivably to some other provincial towns. Other communities outside Italy probably received the Latin right from him (p. 235 n. 1); this is certain for the Sicilians at least,[2] and he may have viewed Latinity as a stepping-stone to full citizenship.[3] However, Latinity in itself only provided an avenue to the citizenship for members of the ruling class. Similarly, it was Greeks of the highest distinction whom Caesar enrolled as honorary colonists at Comum.[4] We cannot infer from either of these acts that Caesar contemplated the wholesale enfranchisement of Greeks in the immediate future.

Of the triumvirs Antony, beyond doubt, inherited his attitude; he conferred the franchise on all Sicily, avowedly giving effect to Caesar's own intentions,[5] a claim we can hardly credit; why should Caesar have made them Latins only a year or two earlier, if he intended them to be citizens? As many or most of the *municipia* of this period may be dated before 28 B.C., Octavian too may at this time have pursued the same policy; certainly the grants of municipal rights to Tingi and Utica exemplify it no less clearly

[1] liv. 25. 1; *τήν τε ἐλευθερίαν καὶ τὴν πολιτείαν τοῦτ μὲν δοὺς τοὺς δὲ ἀφελόμενος*; the reference to freedom can only be to grants affecting communities.

[2] Cic. *Att.* xiv. 12. 1.

[3] That was not to be its future function; most Latin towns of this period received no promotion until Caracalla made citizenship almost universal in the empire, cf. Vittinghoff 47. [not answered by Sherwin-White, *RC*² 350 ff.]

[4] Strabo v. 1. 6, cf. Cic. *Fam.* xiii. 35 for a Sicilian (?) among them.

[5] See n. 2, *cf.* Diod. xiii. 35. 3; xvi. 70. 6; Vittinghoff 119 n. 3.

than Caesar's enfranchisement of Gades. Caesar by enlisting Gauls in V Alaudae, and even Pompey or his legates by forming a *legio vernacula* in Spain, set an example of recruiting non-Romans for the legions which all generals in the civil wars, even Brutus in Macedon, were glad to follow (Appendix 29); these legionaries must all have secured Roman citizenship 'virtutis causa', as a few foreigners had done during the Republic, as a reward for military service.

The question arises whether Augustus' own attitude to enfranchisement changed after 27 B.C. Suetonius categorically asserts that he thought it of great importance to keep the people pure and unsullied by any taint of foreign or servile blood, and that he was therefore chary of granting the citizenship and set a limit on manumissions.[1] Augustus did restrict manumissions, but the provisions in his marriage laws which encouraged freedmen citizens to increase and multiply show that he had no strictly racial prejudices.[2] Suetonius seems then to have misinterpreted his mind. The restrictions on manumission must be construed differently. It seems sufficient to say that he wished to limit the flow, to the extent that the new citizens could more easily be absorbed into the Italian culture, and to do so by regulations to make it more likely that slaves freed were those worthy of the citizenship. On the same principle Augustus should not have been averse to enfranchising foreigners who had rendered services to Rome or who had Romanized themselves.

The two instances cited by Suetonius where he expressed reluctance to enfranchise individual provincials can easily be explained; he was not convinced of their merits. Suetonius himself records that he rewarded provincial towns with citizenship or Latinity for service to Rome.[3]

Augustus' treatment of the Sicilians might be invoked to show that he was averse to extensions of the franchise. Caesar had given them the Latin right, Antony the citizenship. But Pliny, drawing on the Augustan *formula provinciae*, lists only 5 colonies, 2 *municipia*, and 3 Latin towns; the other cities were now unprivileged.[4] Of the colonies Tauromenium (C 71) presumably goes back to 36, when the Sicilian inhabitants were turned out to make way for veterans, and Syracuse (C 68) was not founded till 21. A sixth probably Augustan colony, Panormus (C 67), seems to be later than the date of Pliny's documentary source; all the others probably date to 21. It is clear that Augustus had not recognized Caesar's grant, let alone Antony's (whose legality he might have disputed). But his attitude to the Sicilians can be explained by the hypothesis that in his view they had made themselves *hostes* by supporting Sextus Pompey. It is significant that Messana (M 29) and Lipara (M 34) escaped the general condemnation; the Messanians

[1] *Aug.* 40. 3.
[2] *Dig.* xxxviii. 1. 37, pr.; xxxvii 14. 6. 4; Gaius i. 29, 194; iii. 42, 44.
[3] *Aug.* 47.
[4] *NH* iii. 88 ff.

had repelled Sextus in 40, though later they fell under his control; and the Liparans had not been involved on Sextus' side in 38–36; they were temporarily deported to Naples; both were Augustan *municipia* in Pliny's source.[1] The Sicilian settlement of 36 need be no indication of Augustus' general attitude to the extension of the franchise, if native Sicilians were enfranchised where he founded colonies, and if he is rightly credited with creating 4 other *municipia* in Sicily (M 30–3), after the date of Pliny's source, his condemnation of the Sicilians was not unrelenting.

If Vittinghoff were clearly justified in making Augustus the founder of 35 *municipia*, Suetonius' view of his policy would be utterly refuted, but (as shown on pp. 238 f.), we cannot be certain that most do not belong to the time before 28 B.C., when Octavian was acting rather as the heir of Caesar or as a party-leader, seeking support by granting favours, than pursuing a policy of which he himself necessarily approved. Attested enfranchisements in Gaul and Spain in 14 B.C. (p. 239 n. 1), the incorporation of some Achaeans in the colony of Patrae (C 86), and the probable grant of municipal rights to 4 Sicilian towns rather later in the reign only show that Augustus did not rigidly attempt to limit the extension of the franchise.

His practice in recruiting soldiers is relevant. The legions were supposed to be recruited from citizens. It is, however, well known that under the Principate it was common enough even in the first century to enlist provincials, and not only from Roman or Latin communities in the provinces. This category includes legionaries who were born 'castris'; they were the sons of illicit unions between soldiers and women who must generally have been 'peregrinae', and they themselves must have taken the status of the mother, but were apparently given the citizenship on enlistment. In A.D. 23 Tiberius spoke of visiting the provinces to levy recruits for the legions. His words, as reported by Tacitus, do not suggest that such levies would have been wholly novel, though they may be taken to mean that he proposed to rely more on provincials than had been the practice up to then.[2] Inscriptions seem to prove that provincials had already been admitted to the legions by Augustus, following precedents set in the civil wars. In particular, a famous document from Coptos shows that early in the Principate almost all the men serving in two legions stationed in Egypt were drawn from peregrine communities in the east.[3] Epigraphic evidence for the Syrian army is almost wholly wanting, but it seems probable that here too the same practice was followed. Orientals are also found among legionaries serving in the Balkans early in the Principate, notably in VII, and in other legions a few soldiers, whom Forni assigns to the period before

[1] Dio xlviii. 17. 4, 48. 6 (cf. xlix. 2. 1, 5. 2, 7. 4); he may be wrong in thinking that the Liparans sympathized with Sextus.

[2] *Ann.* iv. 4, cf. p. 414.

[3] *ILS* 2483; other evidence in Forni ch. IV with pp. 159 ff.; his lists on pp. 221, 234 omit two men in *ILS* 2483 born 'castris'.

A.D. 41, came from towns in Narbonensis and elsewhere which lacked the citizenship. It is impossible to ascertain with certainty the proportion of legionaries who belonged to this class. In two of the Egyptian legions all but 4 of 41 known soldiers were not from Roman towns. That might suggest that in the armies of the East the proportion was about 90 per cent. Since 6 out of 28 legions (25 after A.D. 9) were stationed in Egypt and Syria[1] that would be equivalent to nearly 20 per cent of all legionaries. But the number of legionaries not of citizen origin in most other units may have been inconsiderable, perhaps bringing the total proportion only to 25 per cent. And this proportion may have been reached only gradually in Augustus' reign.

There can be little doubt that Italy was exhausted by the civil wars and that Italians were not ready to volunteer in large numbers for long service often in remote parts of the empire. Conscription was unpopular, and Augustus could never afford to impose his will in disregard of public opinion, if he was to found a stable, new regime. If Augustus chose to recruit provincials in the legions, especially those serving in the East, at the greatest distance from Italy, and to preserve the ancient tradition that legionaries had to be citizens by giving them the franchise on enlistment, we cannot be sure that this betokens a liberal attitude on the extension of the citizenship; in his eyes the practice may only have been the least of evils.

His imperial policy also required a larger army than the Republic had maintained in normal times, and on this account he perhaps felt that he had no alternative but to rely more on provincial soldiers, not only in the legions but in auxiliary units. Suetonius says that Augustus fixed terms of service and rewards on discharge for all soldiers.[2] It is imprudent, on the basis of this general statement, to make him responsible for the practice whereby auxiliary soldiers automatically obtained citizenship and other privileges after some 25 years of service. K. Kraft showed that the auxiliary cohorts of the early Principate were generally local militia. Admittedly that is not true of *alae*, which were regular units of the army even under Augustus.[3] However, the practice mentioned is known to us only from a long series of *diplomata*, of which the first is of Claudius' reign. Since by the end of the first century A.D. the number of extant *diplomata* averages one or more a year, their total absence before Claudius' time can be seen as significant, and the practice of systematically enfranchising auxiliaries on discharge as one of his innovations.[4] The argument is not decisive; Claudius may have done no more than introduce the practice of giving the

[1] Strabo xvii. 1, 12 and 30; Jos. *AJ* xvii. 286; *BJ* ii. 40, 66.
[2] *Aug.* 49. 2.
[3] K. Kraft, *Zur Rekrutierung der Alen u. Kohorten am Rhein u. Donau*, 1951, esp. 35 ff.
[4] Sherwin-White 190. See now G. Alföldy, *Historia*, 1968, 215 ff. *Contra*, Vittinghoff 97.

veterans portable and certified records of their rights; this alone could explain why no pre-Claudian *diplomata* have been found. However, as recently shown by G. Alföldy, it is a certain fact that some auxiliaries died without the citizenship in the Julio-Claudian period, though they had served over 25 years. On the other hand some were enfranchised, to judge from the names of C. or Ti. Julius which they bear, by Augustus or Tiberius.[1] One gravestone refers to such a man as 'stipendio emeritus XXXII *aere incisso*'.[2] The words italicized seem to indicate that his enfranchisement was recorded on a bronze tablet at Rome in the way attested by the *diplomata*. It would then appear that there was as yet no *system* of enfranchising auxiliaries after a fixed term of years; the citizenship was still a reward for *individual* merit, and could be conferred even on a man who had served for only 15 years.[3] It was also not the practice before Claudius to issue *diplomata* as certificates of the men's privileges; Alföldy plausibly explains this on the ground that in the early Julio-Claudian period men were retained with the standards usually for over 30 years, and if they outlived their service probably settled near the camp, where their new status was well known; it was only when men began to obtain earlier discharge and to return to their homes that they needed proof of their privileges. I am not convinced indeed that a new system originated with *Claudius*; more probably, there was a gradual evolution, as a result of which it became progressively more common for auxiliaries to secure citizenship after long service. That does not concern us here: the question germane to the present inquiry is simply how common the practice had become under Augustus. We cannot adduce epigraphic statistics; the few gravestones of auxiliaries perhaps datable to the early Principate might easily over-represent the most affluent and literate who had the best chance of enfranchisement. It may be argued that Romanization was a valid criterion for generosity with the citizenship, and that Velleius testifies that Pannonian auxiliaries learned Latin and the alphabet.[4] Events proved that they did not become loyal Romans in sentiment. We cannot be sure that Augustus would even before their revolt have recognized their claims to higher status. Vittinghoff argued that the great increase in the number of citizens by A.D. 14 suggested that Augustus was liberal with grants, but that increase can be otherwise explained (section xi), and Scramuzza's inference from the growth of citizen numbers between A.D. 14 and 47 is no more probative.[5] We have no good reason to assert that many auxiliaries were enfranchised by Augustus.

It is possible that Augustus became less generous with the citizenship as time passed. Most of his *municipia* may belong to the triumviral period; very few can be put after 14 B.C., and thereafter he founded few colonies, in

[1] *ILS* 2531, 2568, 2571, 9137; *AE*, 1960, 127.
[2] *ILS* 2531. [3] *ILS* 2569. [4] ii. 110. 5.
[5] *The Emperor Claudius*, 1940, 142.

which some provincials could hope to secure citizen rights (pp. 237 f.). Dio reports that his posthumous injunctions included warnings against manumissions and excessive enfranchisements; at the end of his life he held that there should be 'a marked difference' between Romans and subjects.[1] This warning may represent some change in his attitude. Whatever his ultimate aims in foreign policy had been,[2] there can be no doubt that until A.D. 6 he had been bent on expansion in the north; yet in A.D. 14 he left his 'consilium coercendi imperi intra terminos'. Revolts in Pannonia and Germany had convinced the weary old man that Rome's resources were not enough for further conquests. The rebels in Pannonia were principally *auxilia*, and in Germany the leader was a former auxiliary officer, who had been made a citizen. These experiences may have also turned Augustus towards xenophobia on a new scale, or for the first time. It may be that he was advising Tiberius to reverse his old policy on enfranchisement, as well as on imperial expansion, and that precisely the same events explain both changes. But it would accord with my own impressions of Augustus' character and policy to suppose that, when master of the state, he had always inclined to caution and gradualism in extending the franchise.

(iii) *Old and New Emigrants*

In principle a colony is a new settlement of Roman citizens and a *municipium* a native town whose people receive the Roman citizenship; in so far as the facts conform to the principle, the foundation or refoundation of a provincial colony does not add to the number of Roman citizens, whereas the creation of a *municipium* does. We might also expect that the foundation of colonies indicates a new stream of emigration from Italy. But in practice when a colony was founded, the natives domiciled there might be enfranchised, and the new settlers might be Italians previously resident in or near the place, or veterans of provincial extraction. Some colonies indeed were old *conventus* (C 11, 72–6) in which there may have been little or no new settlement; the title of these towns is merely honorific. Probably within Augustus' life purely native communities too received the title *honoris causa*, when they should have become *municipia* (C 7, 61). The new *municipia* too were not necessarily communities entirely composed of newly enfranchised citizens; often they were places where Italian emigrants had already congregated.

Beyond the Adriatic, except in Illyricum, there were only 2 *municipia* and relatively few colonies, though in Macedon they were probably numerous and important enough to attract and absorb Italians already domiciled in the region. Elsewhere perhaps only Corinth (C 77) and Patrae (C 86) were commercial centres of great note, and Italian *negotiatores* were necessarily

[1] lvi. 33. 3.

[2] See my unorthodox views in *JRS* liii, 1963, 170 ff.

found in many peregrine cities. However, it seems likely that their number was declining.

In the late Republic they and their freedmen had been largely engaged in trade, usury, and tax-collecting. From Caesar's time their opportunities were restricted. He abolished the use of publicans to collect the direct taxes in the eastern provinces, and there is no reason to suppose that it was ever revived.[1] In the course of time we find a great number of imperial freedmen employed in the public administration of the provinces or in the management of the emperor's own estates, but this proliferation is largely post-Augustan. The dominance of Italian *negotiatores* in business in the east also begins to diminish under Augustus (p. 210 n. 10).

In the western provinces conditions were probably different. Here Italians had been more thickly settled before Caesar, and as areas long under Roman rule were pacified and new regions conquered, their opportunities in trade increased; moreover, publicans continued as late as Tiberius' time to collect direct taxes in some parts, perhaps only in Africa.[2] Yet even here the number of Italian expatriates living in *peregrine* communities may have fallen, for there were far more colonies and *municipia* in the west, including some of the most noteworthy centres for trade. Thus in Gaul Lugudunum (C 8), Narbo (C 1), and Arelate (C 2) were the chief emporia, and in Spain the most important commercial towns all enjoyed the Roman citizenship, Gades (M 1), Corduba (C 11), Hispalis (C 12), New Carthage (C 21), Tarraco (C 22), while the districts of Catalonia and Andalusia, in which Italian settlers were previously most numerous, were now crowded with Roman towns. In Africa again such towns were fairly densely scattered on the coast and found in the most developed parts of the hinterland, that is to say in the areas most attractive to Italian traders or farmers. Thus Utica, the seat of the principal *conventus civium Romanorum* in the Republic (p. 222), became a *municipium* in 36 B.C., and if it soon lost much of its old commercial importance, this was only because its pre-eminence passed to the colony at Carthage (C 37), founded by Caesar and reinforced by Augustus, in which the descendants of the old Gracchan settlers were probably incorporated. All the chief towns in Sicily also enjoyed the citizenship.

The previous existence of a Roman *conventus* was indeed probably not the least reason why many provincial towns were selected for colonial settlement or enfranchisement as *municipia*; the new colonies (C 72–6) or *municipia* (M 34–41) in Illyricum were apparently composed of such *conventus*, perhaps reinforced, and the same is true of Corduba (C 11). Other Italian expatriates in the locality are likely to have congregated in them.

[1] Dio xlii. 6; App. *BC* v. 4; Jos. *AJ* xiv. 196 ff.

[2] Tac. *Ann.* iv. 6. 3 ('frumenta'); *ILS* 901. The Sicilian tithes can hardly be in question, as they were never (so far as we know) collected by Roman publican companies.

It thus appears that the number of citizens in the provincial colonies and *municipia* of this period is very far from constituting a net increase over the number of citizens domiciled in the provinces in *c.* 50 B.C.; probably a very high proportion among the Italian expatriates of the late Republic or of their descendants, some after serving in the legions, were resident in such towns.

(iv) *Natives in Colonies*

A colony was seldom founded on a vacant site.[1] Sometimes there was public land available, as at New Carthage, Carthage, Corinth, and probably some Macedonian colonies; in 63 the Roman state owned old royal lands in Macedon.[2] In these circumstances it was only necessary to turn out tenants or occupiers; the effect of colonization may sometimes have been to substitute arable cultivation for cattle-breeding. But more generally, the colonists must have displaced some of the former owners and cultivators of the soil. Thus at Heraclea (C 90) and Sinope (C 91) they received part of the town and its territory, and at Buthrotum the local Epirotes were to be obliged to give up lands in lieu of taxes they owed (p. 253 n. 2). No problem arose if the old inhabitants were massacred, or enslaved, as most were at Augusta Praetoria (p. 171 n. 4), or at least totally evicted; there may have been more instances of this procedure than we know, e.g. in Lusitania. But often, it is plain, the natives continued to live by the side of the colonists, after surrendering part of their lands. Did they then become subjects, or were they raised to parity of status, becoming themselves *coloni* and *cives*? The latter practice was believed to have been normal in the regal period, but there can hardly have been any reliable information on what was done in those early times, and it seems plausible to suppose that the 'tradition' was anachronistically modelled on procedure common in the first century B.C. (see Appendix 5).

We may begin by distinguishing three main types of colony: (1) a foundation or refoundation (e.g. Narbo), taking the form of an entirely new settlement of soldiers or civilian Italians, (2) an existing *conventus civium Romanorum*, given the title of colony, and (3) a native community which received the title *honoris causa*. In this period only Tingi (C 61), Vienna (C 7), and perhaps the Gallic Valentia (C 4) can illustrate the third type, and some would deny or doubt that they attained colonial rank before A.D. 14. Here the question does not arise whether natives were incorporated in the colony; the town resembled a *municipium* in all but its honorific appellation. But the question can be asked in relation to the second as well as to the first class. Corduba (C 11), for instance, had been originally peopled by 'select natives' as well as by Italians; in this and similar cases did the former secure citizen rights, when the town was raised to colonial status?

[1] See Chapter XIX, section (ii) on the mode of founding a colony.
[2] Cic. *leg. agr.* i. 5; ii. 51.

Tacitus ascribes to Claudius the statement that when veteran colonies were founded the 'validissimi provincialium' were 'added' to the military settlers. This is a generalization which may not be true in every instance, or which may be grossly exaggerated; and in any event its meaning is unclear. Some take it to refer to the new areas of recruitment for the Roman army created in provincial colonies. But if it indicates enfranchisement of natives in colonies, were the 'validissimi' all the old inhabitants, or certain individuals marked out for special privileges, e.g. local magnates distinguished for their loyalty to Rome and absorption of Latin culture, or simply favourites of the founders of the colonies? Similar doubts arise in interpreting Dio's statement that in 45 Caesar granted to Spaniards who had taken his side lands and immunity, and to some citizenship or the status of Roman colonists (Appendix 14). Instances can be cited of men of native stock who held local offices in colonies, or rose in the imperial service, like Cn. Iulius Agricola of Forum Iulii. Grant notes many cases of colonial office-holders with suspiciously distinguished Roman *nomina*, evidently new citizens, whom he is apt to take for freedmen; they should rather be local magnates.[1] We cannot infer that all their countrymen in the territory of a new colony also acquired full rights there. Even where we find epigraphic evidence for *nomina* like Iulius widely scattered in a colonial territory, we cannot conclude that there was universal enfranchisement; the very poor could not afford to set up inscriptions. On the other hand, if all or nearly all local magnates who are known bear names which suggest that they were immigrants from Italy or their descendants, this may not imply that all the natives were denied the citizenship; it may only reflect the long endurance of an immigrant oligarchy.

A special problem arises with veteran colonies. In the Principate before Severus' time soldiers were not allowed to marry; naturally, they often took concubines, who might be women native to the regions in which they were serving; the children of such unions took the status of the mother, and were generally, therefore, not citizens. The rule against soldiers marrying did not obtain in the Republic, where legionaries were frequently conscribed for short periods and (though testimony is meagre) must sometimes have already been married (but cf. p. 140). It can hardly have applied in the triumvirate, nor perhaps before Augustus fixed the period and conditions of military service in 13 B.C. Until then, some legionaries were doubtless married to Italian women, and in so far as such marriages had not been broken by their long absence, they will have taken their wives to the new homes overseas where they received lands. However, even in this early period many soldiers must have been bachelors when they enlisted, and some will either have contracted permanent, if illegitimate, unions with foreign women, or have decided to take wives, only when they settled in

[1] Tac. *Ann.* xi. 25. 3; Dio xliii. 39. 5; Grant 213 f., 215 f., 217 f., 226, 239, 249, 262.

colonies. We can hardly suppose that a sufficient stock of suitable Italian women was brought out to places like Emerita or Pisidian Antioch. It was the later practice of the Principate to grant *conubium* with foreign women to legionaries and praetorians; thus their children, if born subsequently, were citizens, but their wives were not.[1] By contrast an edict of Octavian found in Egypt seems to confer citizenship itself on the parents, wives, and children of veterans,[2] and later, auxiliaries received citizenship for their wives and children as well as for themselves on discharge. We cannot tell how long Augustus followed this more liberal practice for legionary veterans who took foreign wives. If he abandoned it, such wives were not entitled to registration in Roman censuses, though their children were in virtue of their parents' *conubium*. Again, the ex-magistrates of Latin towns,[3] like the navarch, Seleucus of Rhosus, in the triumvirate,[4] received citizenship for themselves, their wives and children. Probably this was normal when provincials were enfranchised in *municipia* or colonies. It is true that when Claudius enfranchised Volubilis, he conceded to the *municipes* 'conubium cum peregrinis mulieribus'; this might suggest that only the adult males became citizens there, and that the restriction was traditional on the creation of a *municipium*. But then the status of children already born would have been anomalous. Probably Volubilis was particularly short of women, and Claudius allowed the *municipes* to take wives elsewhere with *conubium*; the women of Volubilis itself, as of other *municipia*, would automatically have become *cives Romanae*.[5]

In colonies founded as 'propugnacula imperii', at least where the natives had shown themselves recalcitrant to the control of Rome or of the party dominant there, we should not expect mass enfranchisement, though individuals would be favoured whose loyalty seemed assured. Again, since the government was for long less prone to extend the citizenship to men of Hellenic culture than to western provincials, who were readier to adopt Roman ways, natives in the east were probably less generously treated. It is significant that at Emporiae in Spain (M 22) the Greek colonists were enfranchised later than the Spaniards, presumably because they were less receptive of Roman culture. By contrast, when a town was selected for

[1] H. M. D. Parker, *Roman Legions* 257 ff.; cf. E. Sandar, *Rh. Mus.* ci, 1958, 152 ff. For the late Republic see Harmand 427 f.; Cic. *Phil.* xiv. 38; Dio xlviii. 9. 3.

[2] *FIRA* i², no. 56 (31 B.C.?); the document is corrupt and perhaps seriously garbled; we cannot take literally the phrase that extends to wives and children the right to be registered and to vote in a tribe of their own choice; still the enfranchisement of wives and children seems beyond doubt.

[3] *FIRA* i², no. 23, xxi.

[4] Ibid. no. 55.

[5] Ibid. no. 70, with bibliography. Volubilis had suffered in the war against Aedemon, and Claudius also granted it 'incolas'; I believe that this means that he allowed the town to bring in inhabitants from elsewhere, who were perhaps also to enjoy Roman citizenship; such a practice is clearly attested much later, but in rather similar circumstances, in *Paneg.* iv. 4; viii. 4. But *alii alia*.

a colonial foundation within a region where similar towns were raised to municipal status, it would only have been natural if the rights of Romans were granted to natives who would have obtained them had their towns become *municipia*. However, not all the inhabitants of such towns necessarily possessed local citizenship before they became *municipia* or colonies; any who lacked it probably did not secure the Roman franchise. In other regions again, where colonies were founded, native communities were at best raised to Latin, not citizen, status, with the result that only members of their governing class gradually secured the Roman citizenship, by holding local magistracies; unless the people of neighbouring towns which received Roman colonists were more favourably treated, we should again expect that only the local magnates were gradually admitted to the same rights as the settlers. With these probabilities in mind, we may consider the colonies, province by province.

Gaul. Here no *municipia* were created, but the Latin right was widely diffused in Narbonensis. No evidence contradicts the probability that only the ruling class, not the masses, were given full rights in those colonies in which Italians settled. At Arausio, as late as the Flavian era, documents distinguish the lands assigned to the colony as such or to the veteran settlers from the lands left to the Tricastini, in whose territory the colony was settled. It would seem that the Tricastini were deprived of the most fertile soil.[1] Narbo itself had been before Caesar's time 'specula populi Romani ac propugnaculum istis ipsis nationibus [the Gauls] oppositum et obiectum', and Cicero carefully distinguishes the *coloni* from the Gauls.[2] Caesar re-founded it, settling veterans and perhaps *proletarii* there; but nothing indicates that there was any mass enfranchisement of natives. Strabo observed that Narbo was superior to Nemausus in its throng of foreigners and merchants, but inferior κατὰ τὸ πολιτικόν; he explains the last statement by reference to Nemausus' 24 subject villages and its Latin right. As a colony, Narbo was naturally far more privileged than a Latin town, and perhaps he meant that at Nemausus more inhabitants enjoyed local citizen rights, though even there the majority were presumably *attributi*.[3] The 'foreigners' at Narbo no doubt include the 'incolae' there, mentioned in a famous document of A.D. 12–13.[4] Though the term 'incolae' in my view denotes no more than 'residents without local citizen rights', and is not a technical term designating members of a subject population,[5] it is wide enough to embrace such a class. The Gallic colonies datable to this period include, if I am not mistaken, Vienna and Valentia, of which the first was certainly and the second possibly a native town in which there were

[1] J. Sautel and A. Piganiol, *Gallia* xiii, 1955, 1 ff. Cf. C. E. Stevens, *JRS* xxxii, 1942, 70 ff.

[2] *Font.* 12 f. Cf. p. 215 n. 2.

[3] iv. 1. 12.

[4] *ILS* 112.

[5] Berger, *RE* ix. 1249 ff.

no Roman settlers. Vienna was the metropolis of the Allobroges, [and it was there that the notables resided;] the rest of the people were scattered in villages.' They were probably subject to Vienna, like the twenty-four villages subject to Nemausus, and destitute alike of local political rights and of the Roman citizenship.

Spain. Here *municipia*, as well as Latin towns, abounded, and we might expect natives to have been extensively enfranchised in colonies. Corduba (C 11) had, since its foundation in 152 B.C., comprised natives as well as Italians, who had doubtless intermarried, and after it attained colonial rank must have remained a racially mixed settlement. However, in Urso (C 13) and Hispalis (C 12), certainly founded by Caesar, the Spaniards had sided with the Pompeians, and it is hard to conceive that they qualified, in Caesar's view, for the franchise. It is in fact known that the colonists at Urso governed subjects—'contributi'.[2] They may reasonably be identified with the original population. At Ucubi (C 16), which may be Caesarian, the natives may have been more favourably treated, since the Pompeians had burned the place down. How long the exclusion of natives from local and Roman rights persisted in any colony we do not know, but it is seldom that privileges are readily surrendered, and the Lex Ursonensis was inscribed about a hundred years after Caesar's time. I regard it as probable that Nova Carthago (C 21) and Tarraco (C 22), like Celsa (C 23), were at least planned by Caesar. Both were old Roman centres, and Nova Carthago stood a siege by the Pompeians.[3] We may concede the probability that the natives, already Romanized, were enfranchised. At Valentia (C 20) veterans were settled, not necessarily in this period, in a pre-Caesarian colony; the *coloni* then comprised 'veteres' and 'veterani'; whether the former were Spaniards is not clear. In general, I would suppose that the colonization in the civilized regions of Baetica and Tarraconensis, where the natives were Romanized, involved substantial enfranchisement, but probably not in Lusitania, where such places as Emerita (C 32), Pax Iulia (C 33), and Scallabis (C 36) were surely strongholds, to keep wild native tribes in subjection.

Africa. The grant of municipal rights to Utica in 36 (M 25) shows that an old Punic town in which many Italians had long resided (p. 222) could be eligible for the franchise. Probably then the similar native population in the numerous coastal colonies were held to qualify for the citizenship, all the more as they were sometimes, if not always, proletarian colonies, and not *propugnacula imperii*; the incorporation of *perioikoi* in Carthage (C 38)

[1] Strabo iv. 1. 11.

[2] In Lex Ursonensis (CIII) I would read 'incolas contributosque'; the 'incolae' would be any persons, including Romans, domiciled in the colony without being 'coloni' (cf. also XLVIII). For possible enfranchisement of natives at Hispalis and Emerita by Otho see C 32.

[3] Dio xlii. 30. 1.

is indeed no proof of this, as the term may relate to descendants of the Gracchan settlers. In the interior Cirta (C 51) was a settlement of Sittius' followers, a mixed lot (p. 164), and the frequency of the names Sittius and Julius in inscriptions strongly suggests that the colonists were for the most part not Roman by origin. Simitthus (C 47) began as a *pagus* of Roman citizens; its cognomen, Numidica, indicates the enfranchisement of natives. (Not all such *pagi* gave birth to colonies and the assimilation of local peregrine communities, at any rate not for generations.) In general, although Utica may be the only *municipium* here, enfranchisement on a substantial scale may well have accompanied colonization.

Mauretania. Tingi (C 61) received municipal rights in 38 and, later, colonial. But there is no other indication that Augustus was ready to enfranchise natives here, in a country which had only now begun to come under Roman cultural influence; and at Zulil the natives were actually transported to make way for Roman colonists (p. 591). It seems likely that the colonists, with perhaps a few favoured Mauretanians, formed a privileged class; they were veterans in all cases (except Tingi) of which we have details.

Sardinia. As two *municipia* were created here, the colony of Turris Libisonis may have involved some enfranchisement.

Sicily. At Tauromenium (C 71) the natives were expelled. In the later colonies they may have been more liberally treated. The colonists were perhaps given allotments in land which had been confiscated in 36. If Augustus was ultimately prepared to grant municipal status to a Greek town such as Agrigentum (M 33), he might, even earlier, have been ready to conciliate the citizens of Syracuse and other cities in whose lands he planted veterans, by restoring their Roman rights. We do not, however, appear to know how widely the local franchise had extended among the Greek *poleis* of Sicily in the late Republic, while epigraphic evidence for imperial Sicily is singularly meagre, and irrelevant to the question here considered.

Illyricum. At Senia (C 72) G. Alföldy says there is no trace of natives in the inscriptions; we find only persons with north Italian names. At Iader (C 73) again north Italian names predominate; he can cite only a single native name, epigraphically attested, and Iulii and Claudii, who are probably often enfranchised natives, are rare.[1] Salonae (C 74) was doubly founded; the two settlements constituted an 'urbs vetus' and an 'urbs nova', divided by a wall, and the settlers belonged to two different tribes; Alföldy dates the first to Caesar, the second to *c.* 33 B.C., and holds that Caesar gave the title of a colony to the old *conventus* here (p. 223). Most of the epigraphically attested family names are Italian (108 ff.); Alföldy thinks that they belong to *negotiatores* already settled here in 48, and to others attracted

[1] Alföldy 76, 79 f.

later by the opportunities, rather than to veterans. The frequency of typical servile *cognomina* makes him suppose that proletarians were given lands; that may be so, but it seems risky to ascribe the settlement to Augustus, who is not recorded to have organized any proletarian colonies, rather than to Caesar, who could easily have wished to strengthen the old *conventus*, when he made it a colony. Here too local names are uncommon; but of imperial names Julius is most frequent, and Alföldy reasonably holds that this points to enfranchisements when the colony was founded or re-founded. He believes, however, that most of the natives remained mere 'incolae'. This conclusion may be true, though the mention of 'incolae' in an inscription, especially in a trading centre, is no proof of it (cf. p. 249 n. 5).[1] At Narona (C 77) only Italians, together with a few whose imperial names suggest new citizens, are attested, no *peregrini*; Alföldy conjectures that the Ardiaei had been expelled from the site before Narona became a colony.[2] By contrast with all these towns, there was a substantial indigenous element in the population of Epidaurum (C 76); however, some of these natives only acquired the citizenship as late as Hadrian.[3] In other Illyrian places which I have listed, perhaps wrongly, as *municipia* (Appendix 16), Italian names predominate in the inscriptions of Risinium and Acruvium; from Butua, Olcinium, Scodra, and Lissus we have hardly any imperial inscriptions.[4] At Tragurium we know of many Italian families, but few natives. So too the trading families at Issa were Italian; Alföldy remarks that the continuous presence of Greek colonists is best attested here, citing *two* inscriptions![5]

I have omitted references to veteran settlers in these towns, mostly post-Augustan.

It appears that there is at least no evidence for liberal enfranchisement of Illyrians, or Greeks, in any of these towns.

The East. Many of the colonies here were at least planned by Caesar. These must all have been predominantly, if not exclusively, proletarian, indeed composed principally of freedmen. Such people often came from the East, and would easily have mixed with Greeks. It might then seem likely that Caesar intended such a mixture, and would readily have given citizenship to the people among whom they were to settle. Moreover, two *municipia* were founded in Macedon, probably by Caesar, though one of these, Denda, is close to Illyricum and may, like Illyrian towns, have been the seat of a *conventus civium Romanorum*. Even Brutus was to enrol Macedonians in legions as Roman citizens. However, there is no good reason in principle to think that Caesar was prepared to enfranchise Greeks *en masse* (p. 239), and here too we must consider what is known of each colony and its inhabitants.

[1] Alföldy 102 ff., 108 ff. [2] Id. 136, cf. 46. [3] Id. 140.
[4] Id. 142 f. [5] Id. 112 f.

At Corinth (C 77) the citizens had been enslaved in 146 and the land confiscated.[1] The colonists could be settled on *ager publicus* without expropriation. No enfranchisement need be posited here. It also seems improbable that the *agripetae* at Buthrotum (C 78) were expected to mix with the Epirotes, whose lands were to be distributed to them, as a penalty for their failure to pay all they owed to the Roman treasury. In July 44 rumours were current at Rome that the colonists had been expelled or massacred by the enraged inhabitants.[2] Any resistance offered was certainly ineffectual, for the colony was founded. But it is not easy to believe that colonists and Epirotes amalgamated. It also seems extremely unlikely that Cassandrea (79), Dium (C 80), Dyrrhachium (C 81), and Philippi (C 83), which possessed *ius Italicum*, i.e. counted as Italian towns beyond the confines of Italy, admitted more than a handful of provincials; the pride of the Philippians in Paul's day at being Romans and bound by Roman religious ideas is significant.[3] Of other Macedonian and Greek colonies there is nothing to be said except on Patrae (C 86). Here some measure of enfranchisement by Augustus is certain, but we cannot be sure that it went beyond the upper class. On Cnossus (C 87) I know of no evidence. If we turn to Asia, the fact that Lampsacus (C 88) and Heraclea (C 90) did not retain colonial status after the colonists in the first had been enlisted in the army, and in the second had been massacred, seems decisive against the supposition that natives in general shared their rights. But if they did not, what better reason is there to suppose that the people of Apamea (C 89) or of far distant Sinope (91) were more favoured? Here too, as at Alexandria and Parium, we can at best imagine that the local ruling class were amalgamated with the colonists.

Barbara Levick has shown that in 'Pisidian' Antioch (C 94) the veterans were probably settled on lands belonging to Men Askaenos and that the Greek citizens were not expropriated or expelled. However, although the old *polis* ceased to exist side by side with the Roman colony, the nomenclature attested by inscriptions suggests that few of the Greek citizens were enfranchised. Of 280 gentile names no less than 72 are Italian and non-imperial; there are 16 Iulii, 17 Claudii, 18 Flavii, 2 Ulpii, and 30 with names perhaps derived from governors of Galatia before Hadrian. She concludes that only the upper classes received the citizenship, progressively over more than a century. Antioch was a little Rome, with *vici* taking their titles from the Roman hills.[4] There was no place here for mass enfranchisement, nor, presumably, in the other 'Pisidian' colonies.

[1] Larsen, *ESAR* iv. 305 f.

[2] Cic. *Att.* xvi. 16, esp. 4–6, 11; cf. xv. 29. 3; xvi. 1. 2, 4. 3.

[3] Acts 16. 21. P. Collart, *Philippes* 297 f. gives evidence for apparently enfranchised Thracians here; the citizen names recorded (258 ff.) seem mainly to belong to men of Italian origin.

[4] Levick 75 ff.

Berytus (C 100) with its school of Roman law, famous in the third century, is equally unlikely to have admitted many Syrians to citizen rights.

Conclusions. The epigraphic evidence of nomenclature naturally tells us nothing of the status of the poor. We cannot infer from the absence or infrequency of native names for citizens on inscriptions, or of such Roman names as are likely to have been borne by new citizens, that the illiterate masses were without Roman rights. The presence of *incolae* is also in itself no decisive proof that the old inhabitants were in this position (p. 249 n. 5). But equally there is no positive evidence that when a colony was founded all the original inhabitants were admitted to equality with the colonists, and general probability is against this hypothesis, except perhaps in some parts of Spain and Africa; even there it cannot be inferred with certainty from the creation of *municipia* in those provinces; the promotion of peregrine communities to *municipia* did not necessarily entail the enfranchisement of all their inhabitants, some of whom may already have lacked the local citizenship.

Tacitus refers to the Ubii as a people of German origin who had forsworn their fatherland for the name of Romans and were called Agrippinenses, and shows how they had intermarried with the veteran colonists settled among them by Claudius.[1] His evidence does not contradict what has been said; the veterans at Cologne would naturally have taken local wives (p. 247), and only the ruling class of the Ubii might have acquired the citizenship; it was they who alone could speak for their people. Tacitus does not prove that *all* the Ubii had become Roman. But even if he did, Claudian practice was not necessarily the same as Julian or Augustan.

It has often been held that when a Roman colony was founded, the native *civitas*, while forfeiting some of its land to the settlers, subsisted independently alongside the new community. In my judgement there is no good evidence for such 'double communities'; though a Roman *pagus* might exist within a foreign *civitas*, a colony extinguished the provincial city in whose land it was planted.[2] As the provincials lost both land[3] and autonomy, they might resist, as at Buthrotum (p. 253 n. 2), Camulodunum,[4] and perhaps Heraclea.[5] But probably the Roman government was generally willing to

[1] *Hist.* iv. 28, cf. 65. The argument in 64 presupposes that in general the Ubii were not Romans. See pp. 170 f. for what may have occurred here too.

[2] F. Hampl, *Rh. Mus.* xcv, 1952, 52 ff.; F. Vittinghoff, *ZSS* lxviii. 443 ff.; L. Teutsch, *RIDA*, 1961, 280 ff. Cf. Appendix 5.

[3] At Heraclea (C 90) and Sinope (C 91) the colonists took over part of the town and its territory. Cf. Syracuse (C 68).

[4] *Ann.* xiv. 31; 'in coloniam Camulodunum recens deducti pellebant domibus, exturbabant agris, captivos, servos appellando'; the cult of Claudius, costly to provincial magnates and alien to British religion, was another grievance. Camulodunum, founded as 'subsidium adversus rebelles et imbuendis sociis ad officia legum' (*Ann.* xii. 32) fulfilled neither aim.

[5] A *Galatian* massacred the colonists, but he had taken over the Heracleotes' part of the city and may have had their co-operation (Strabo xii. 3. 6).

disarm opposition by conciliating the local ruling class. They might become citizens at once, and other natives later, as and when they rose in the economic and social scale. Thus the natives were deprived of potential leaders in resistance.[1] Enfranchisements of this kind were of the highest political importance, but numerically they may have been insignificant, especially at first.

At Emporiae (M 22) the admission first of Spaniards, then of Greeks, to parity with Roman settlers in a *municipium* may illustrate a process more common than we can know. Similarly Claudius' famous decision on the Anauni shows how tribes attributed to a Roman town could be Romanized, and usurp and finally acquire in law the right of citizens.[2] In remoter times the Latins of Cremona had in the same way amalgamated with the native Celts.[3] But the process of assimilation, rapid at Emporiae, may have been much slower elsewhere, and we cannot, therefore, assume that a large extension of the citizenship was an immediate consequence of Caesarian or Augustan colonization.

(v) *'Caesarian' Colonies*

We have what is apparently firm evidence for the number of Caesar's colonists in a statement of Suetonius: 'octoginta autem civium milibus in transmarinas colonias distributis, ut exhaustae quoque urbis frequentia suppeteret, sanxit ne quis civis maior annis viginti minorve quadraginta (?), qui sacramento non teneretur, plus triennio continuo Italia abesset.'[4]

We may first ask what citizens Suetonius had in mind. Caesar's colonists were partly veterans, partly *proletarii*. His own 10 veteran legions were so depleted that the survivors can hardly have numbered more than 30,000, more probably 25,000 (Appendix 27). Of these the majority were presumably settled in Italy, some in Africa[5] and perhaps in Spain,[6] and others from the sixth, seventh, and tenth legions at Arelate (C 2), Baeterrae (C 3), and Narbo (C 1) respectively; the total number assigned to provincial lands may not have exceeded 10,000. It seems to me possible that Caesar also gave provincial lands to ex-Pompeians. We are told that he embodied some of the prisoners of Pharsalus in his own army (p. 476), but some of them must have been wounded or otherwise unfit for service, and it would not be surprising if they formed a nucleus for some of his eastern colonies; Pompey had recruited citizens and even provincials in the east, and some

[1] Aelius Aristides xxvi. 64: οἱ ἐναστραχθέν μέγιστοι καὶ δυνατώτατοι τὰς ἑαυτῶν πατρίδας ὑμῖν (the Romans) φυλάττουσιν καὶ δωλῇ τὰς πόλεις ἔχετε, ἐνθένδε τε καὶ παρ' αὐτῶν ἐκδοτας (the local magnates being citizens, cf. 63).

[2] *ILS* 206. [3] p. 170 n. 9.

[4] *Caes.* 42. 1; probably based on an edict, like that by which P. Rutilius Rufus, consul 105, restrained *iumores* from leaving Italy (Licin. 14 F.).

[5] Dio xliii. 14. 1; e.g. at Carthage (C 37).

[6] e.g. at Emporiae (M 22), but they may have been Pompeians. His only veteran legions attested in Spain were V, VI, and X (*B. Hisp.* 12, 23, 30 f.). Cf. p. 258 n. 1.

of his legions had been long stationed there; colonies in the east would, therefore, have been more appropriate homes for such men than for Caesar's own veterans, whose military life until 48 had been spent in the west. The slaughter of Pompeians at Thapsus and Munda is probably exaggerated in our sources (Appendix 28), and it would have been prudent, as well as consistent with Caesar's clemency, if he had not been content to leave survivors with no recourse but brigandage for their livelihood. However, in 46 and 45 there were few Italians in the Pompeian forces, and local residents could have returned to their homes, unless (as must have often happened) their farms had been burned or devastated; and Caesar was under no obligation to give Roman citizenship (or to recognize any grants made by the Pompeians) to provincials who had fought against him; his clemency was commonly reserved for citizens. But granting that Caesar did nothing for such provincial Pompeians, it remains not implausible that he made, where necessary, provision for the future livelihood of Pompey's citizen soldiers. The total number of veterans whom he settled in *provincial* colonies, or intended to settle, might then have been, say, 20,000 rather than 10,000.

It is well known that a high proportion of Caesar's colonists were not veterans but proletarians; his aim was rather to revive C. Gracchus' policy of emigration for social and economic reasons than to establish new *propugnacula imperii*. Urso was a colony 'Urbanorum'[1] and servile birth was no bar to membership of the local council. Freedmen held office at Curubis in 45 and at Carthage, Clupea, and Corinth[2] in the triumviral period or early in Augustus' reign. Both Carthage and Corinth were well fitted for commercial prosperity (Caesar intended to cut a canal through the Corinthian isthmus),[3] and therefore for the settlement of a class whose energies were principally devoted to trade and manufacture. However, at Corinth (C 77) some of the settlers were soldiers (perhaps Pompeians), though freedmen preponderated according to Strabo; we should not rigorously divide Caesar's colonies into veteran and proletarian settlements; both kinds of settlers were also found at Carthage (C 37). Narbo (C 1) and Arelate (C 2) were also commercial centres; the veterans whose legions were commemorated in the titulature of these colonies may only have been the most distinguished of the new settlers. Lugudunum (C 8), surely designed by Caesar, was at a nodal point in communications and bore the significant *cognomina*, Copia Felix. It is also probable that some of the civilian emigrants were drawn from the countryside. Cicero describes those who were sent to Buthrotum as 'agrarii' or 'agripetae'.[4] The second term means simply 'men who sought lands', but one can hardly believe that many urban dwellers from Rome wished to become peasants in Epirus.

[1] *FIRA* i², no. 21, CV.
[2] *ILS* 5320, 1945; *PIR*² A 838.
[3] Suet. *Caes.* 44.
[4] *Att.* xv. 29. 3; xvi. 1. 2, 4. 3, 16. 11.

'Agrarii' is used elsewhere of Italian peasants. Gelzer has conjectured, perhaps rightly, that the settlers at Buthrotum were Italians displaced to make way for veteran colonists.[1] I do not think that there would have been much displacement of this kind, and, if Gelzer is right, this colony may have been untypical. But the settlers in Buthrotum may have been peasants who had only recently moved into Rome.

How many proletarians did Caesar plan to settle overseas? It might be thought that Suetonius' figure refers only to this class of colonists, since he connects it with the reduction of the urban population. He is surely guilty of a misunderstanding. Caesar was evidently concerned with the danger that military manpower might be depleted. But soldiers were seldom levied in the city.[2] Nor can Caesar have wished to keep up the swollen city population. The corn-dole was a heavy burden on the state, and he reduced the number of authorized corn-recipients from 320,000 to 150,000.[3] This was not of course equivalent to reducing by 170,000 the size of the urban population, but by fixing a maximum number of corn-recipients Caesar was obviously doing something to prevent its future increase. After his death his adoptive son paid legacies to not less than 250,000 people in the city.[4] This indicates that the true reduction in the urban proletariat in the 40s was about 70,000. It might be suggested that Suetonius' 80,000 colonists abroad consisted of 10,000 veterans and 70,000 civilians (mainly from Rome); ex-Pompeian soldiers for whom Caesar found lands might not have been counted, especially if they had previously been domiciled abroad. I conjecture that in prohibiting other emigration, probably by edict (p. 255 n. 4), Caesar took the occasion to mention that he was organizing the emigration of 80,000 citizens, whose departure was consistent with his concern for military manpower, because they had done their stint in the army or were not of the class from whom soldiers were made.

Suetonius indeed implies that at the time of this enactment 80,000 settlers had already departed for the provinces. This too cannot be accurate. The total must be that of the Italians whom Caesar had arranged or decided to settle overseas; not so many can actually have left Italy at the time of his death.

Caesar's most urgent task in colonization was clearly that of providing homes for his veterans. A few were given lands in Italy after the great mutiny of 47.[5] But 5 veteran legions and 7 veteran cohorts from other legions accompanied him to Africa in 46.[6] Here too he settled some after Thapsus, lest they should become mutinous (p. 255 n. 5), and perhaps some Pompeian survivors (*supra*). In 46–45 Caesar still had with him in Spain 3 veteran legions (V, VI, and X); it must surely have been on his

[1] *Caesar* (Eng. tr.), 1968, 312.
[2] Brunt, *AL* 74.
[3] Suet. *Caes.* 41. 3.
[4] *RG* 15. 1.
[5] Dio xliii. 55. 1.
[6] R. Holmes iii. 534 ff., on *B. Afr.* 10. 1, 16. 34, 60, 62, 81.

return and not (as often stated) in 46 that veterans of VI and X were installed at Arelate and Narbo; in the meantime veterans of VII were apparently given lands at Baeterrae.[1] Colonization was also proceeding in Campania and elsewhere in Italy, but at Caesar's death there were still some veterans who had not yet received allotments (p. 320). We should not expect the work of settling other citizens overseas to have been more rapid. From the beginning of the Pharsalus campaign until his death Caesar was in Italy for only a little over a year in all,[2] and with his other multifarious activities can have had little time to spare for organizing emigration. No doubt there was more political difficulty in finding lands in Italy than in the provinces, where it was easier to ride roughshod over the rights of owners. However, there is actual proof that not all Caesar's provincial colonies antedated his death; indeed Arelate (C 2), Narbo (C 1), Curubis in Africa (C 35), and, strangely enough, Sinope (C 91) are the only foundations clearly attested within his lifetime.[3] Carthage, evidently intended to be a showpiece of his policy, was founded a little later. The settlers who were to receive lands in Buthrotum did not reach their destination until June 44, and probably had not left before the Ides of March (p. 253 n. 2). It therefore seems likely that the Lex Antonia to which the charter of Urso refers is the law Antony passed 'de coloniis deducendis' in early June 44, and that it was not merely concerned with veteran allotments in Italy, as Dio's allusion to it might suggest, but with all Caesar's colonies, some of which may still have been in the planning stage and had perhaps not obtained the dictator's formal authorization.[4] If the Lex Antonia based its approval of them on Caesar's known intentions, they could, like Urso, be regarded as colonies founded 'iussu C. Caesaris' and take the title Iulia; and the colonists could be described as having been sent out by Caesar.

It is on this account that I have classed as Caesarian colonies founded by Plancus in 43 at Lugudunum (C 8) and Raurica (C 9), by Hortensius at Cassandrea (C 79) and Dium (C 80), and by Lepidus at Celsa (C 23). The colonists in such places cannot have been veterans, for even the relatively few soldiers Caesar settled abroad were all needed again in the armies raised in 43. Indeed the confusion that followed Caesar's death must have further retarded settlements. One can only speculate on the fate of the colonists during the civil war in the east, in the local struggles in Africa, or in the

[1] See p. 255 n. 6 and C 1–3. As men of VI and X were settled in Gaul, and V reconstituted in Italy after Caesar's death (p. 478), very few of his own veterans, if any, can have been settled in Spain.

[2] Caesar was in Italy July–September 47, July–November 46, and September 45–March 44 (all dates new style).

[3] See C 1–2, 39, 91.

[4] Lex Antonia, *FIRA* i², no. 21, CIV (where, as in LXVI the settlement is still in the future, contrast CVI); Cic. *Phil.* v. 10; Dio xliv. 51. 4. M. Grant 24 f. shows that an officer of Sextus Pompey coined at Urso, but perhaps in 43.

operations against Sextus Pompey in Spain. Probably those who were fit for service were conscribed by rival generals; many were freedmen, but this was not a time when commanders scrupled over legal qualifications. Some must have perished in the maelstrom of war, and the number who actually secured their promised allotments must have been less than Caesar had intended. In the end Lampsacus (C 88) and Heraclea (C 90) did not survive.

Even if we could draw up an exhaustive and certain list of colonies, the foundation of which was actually begun before Caesar's death, it would therefore not be probable that all Suetonius' 80,000 emigrants were settled in them, and that any other colonies, certainly founded in the triumvirate, represent a second wave of emigration. The colonies which were newly designed in the triumviral period before Actium were probably few.

(vi) *'Augustan' Colonies*

In this category I include all those founded after Actium. We have no estimate of numbers such as Suetonius gives for Caesar's colonists. Most of Augustus' colonists were veterans. He claims himself to have discharged about 300,000. I have estimated elsewhere that of these 125,000 were disbanded before 28, and 175,000 in the rest of his reign (Chapter XIX, section vii). Most in the first group received lands in Italy, perhaps 30,000 in the provinces. It is sheer guesswork to fix the number settled abroad after 29; nearly all new colonies were provincial, but a considerable proportion of veterans may well have returned to their home towns in Italy, or strengthened existing colonies there. Augustus is not recorded to have settled any civilians in the provinces, apart from Antonian partisans in Italy whom he expropriated in 30 to reinforce Macedonian colonies (C 79–83); again we cannot estimate numbers. We must, therefore, turn to another method of calculating the extent of the emigration.

(vii) *The Size of Colonies*

In the Republic Latin colonies had varied in size between 2,500 and 6,000 adult males, and Roman colonies had not exceeded 2,000 down to 177; many had consisted of only 300.[1] The colonists at Palma and Pollentia in 123 averaged 1,500.[2] Gaius Gracchus took out 6,000 to Junonia, more than the law allowed.[3] Drusus' abortive colonies in 122 were to have been 3,000 strong.[4] In 63 Rullus provided in his bill for a colony of 5,000 at Capua.[5] The triumvirs designated 18, later 16, of the most opulent cities in Italy for their veterans, who probably numbered about 80,000 in 43; in the event only some 50,000 received allotments on my estimate (Chapter XXVI, sections iii and iv), and the average size of the triumviral

[1] *ESAR* i. 41, 61, 122 f.
[2] Strabo iii. 5. 1.
[3] App. *BC* i. 24.
[4] Plut. *C. Gr.* 9.
[5] Cic. *leg. agr.* ii. 76.

colonies, if there were ultimately 16, was 3,000 rather than 5,000. Augustus claims that the 28 colonies which he himself had founded (Appendix 17) were 'celeberrimae', i.e. much more populous than most Italian towns; on average, if my previous calculations are approximately right, there were about 2,600 adult males per town in Italy (p. 126). This is quite compatible with the view that the number of new settlers was not above 3,000 in general, since not all the old inhabitants were displaced; at Arretium, for instance, the descendants of the pre-Sullan population and of the Sullan veterans existed side by side with new colonists (p. 306), and even at Augusta Praetoria some of the Salassi remained as *incolae* (p. 171 n. 4); moreover colonists settled in 41 or 30 may have been afforced by small groups of veterans discharged later. The 'Caesarian' colonies for veterans and proletarians can hardly have been under 30 (p. 236), and allowing for some ex-Pompeian veterans settled in addition to the 80,000 who, according to Suetonius, were sent overseas, we should not suppose that on average they received over 3,000 settlers each, the number sent by either Caesar or Augustus to Carthage (C 37) and by Augustus to Augusta Praetoria.[1] At Carthage indeed *perioikoi*, probably descendants of the Gracchan settlers, were also incorporated, and Caesar's colony was strengthened by Augustus; thus Carthage became one of the greatest cities of the empire; it is untypical.

Some colonies were certainly very small, as in the past. The remnant of Caesar's VIIth legion was divided between Baeterrae (C 31) and allotments in Campania and (probably) Etruria (p. 481 n. 7); the veterans at Baeterrae cannot have been numerous, though proletarians may have accompanied them. It is unlikely that all the survivors of the VIth and Xth wished or were compelled to go to Arelate or Narbo, rather than to take lands in their home country. Again, there may have been proletarians as well as veterans in these places; if they boasted in their titles of their legionary origins, that need only show that the veterans were dominant. But, to judge from Strabo, the citizen body at Narbo was not large (p. 249). In general we must not assume that where a legion, or two legions, provided a town's colonists, the whole complement of those legions settled there. After Caesar disbanded his most depleted veteran legions, it is unlikely that all the soldiers in a legion, as distinguished from the 'time-expired', were discharged together; when the number of legions was reduced, as after Actium it must have been, soldiers not due for discharge from several units could be consolidated in one. Men from the VIIth legion, in fact, provided colonists for three Mauretanian foundations, Saldae, Tubusuctu, and Rusazus (C 53–5) within a few years (33–25 B.C.), if not simultaneously; others went to

[1] Strabo iv. 6. 7, who says that the Salassi, numbering 36,000, of whom 8,000 were adult males, were all sold into slavery to make way for the colonists. However, some evidently pro-Roman Salassi remained as 'incolae' (*ILS* 6753).

Antioch (C 94) in 25. A single praetorian cohort peopled Gunugu (C 59), and again not necessarily the whole cohort, 1,000 strong. Romanelli guesses that the nucleus of most colonies in Africa consisted of 300–500 settlers.[1] By careful, though conjectural, computations Barbara Levick estimates the number of settlers in the 6 Pisidian towns as only 9,500.[2] Alföldy gives the impression that Salonae (C 74) was a big place. Judged by the survival of inscriptions, it was the most prosperous Roman town in Illyricum. But its nucleus was the former *conventus*, whose numbers on Caesar's testimony were 'few' (p. 223). Admittedly, there was further immigration, but I should doubt if it was really large.

It seems not unreasonable to estimate the average number of colonists per town of this period at 2,000–3,000. That gives us a total of 200,000–300,000.[3] The enlistment of 1,500 men at Berytus (C 100) for temporary service in 4 B.C., a generation after it was founded, is not inconsistent with this.

This makes no allowance for the enfranchisement of natives in military and proletarian colonies. But outside Spain and perhaps Africa this was probably on a small scale (section iv). Even there one might guess that the government did not wish to see new citizens preponderating. I would then allow an average of 2,000 enfranchised natives in colonies in Baetica, Tarraconensis, and Africa. This would make these colonies larger than the average Spanish community, which on Pliny's evidence was 3,000 strong;[4] some like Corduba and Tarraco were clearly the most considerable towns in Spain, but others, such as Urso, were surely small. The size of the African colonies is probably over-estimated, and this makes it legitimate to ignore in all the calculations that follow those little *pagi* of citizens in Africa which did not rise to colonial status (Appendices 12–13).

(viii) *The Size of* Municipia

For the 24 Spanish towns, some so insignificant that we do not know their names, Pliny's average may be taken, despite the inclusion of Gades

[1] Romanelli 207. This is an impression, but formed by a scholar familiar with Roman Africa. For size of praetorian cohorts, A. Passerini, *Coorti Pretorie, 1939*, 58 ff.

[2] Levick, ch. VIII. I am indebted in general to her discussion. For colonies as 'quasi effigies parvae simulacraque' of Rome see Gell. xvi. 13. 9.

[3] In so rough a calculation it is immaterial that Lampsacus and Heraclea disappeared and Dium, evidently a small place, was ultimately absorbed in Patrae. We may also disregard the 14 *pagi* in Africa (*cf.* Appendixes 12 and 13), of which only 4 are counted as colonies in this period. Similarly, it will make little difference if I have dated a few colonies too early, and excluded a few others which should be regarded as antecedent to A.D. 14.

[4] *NH* iii. 28 f. gives 691,000 'liberae capita' (i.e. all free persons, cf. Beloch, *Bev.* 374 f.) for 61 'populi' in NW. Spain; on the ratio 28:100 of adult males to men, women, and children (p. 59) this gives 3,100 adult persons for each 'populus'. In Cicero's day Centuripa, the richest city in Sicily (*Verr.* ii. 4. 50), had 10,000 adult males (ibid. 2. 163); in the second century A.D. Pergamum had 160,000 (Galen v. 49 K.); they were exceptionally large.

and Italica. I would also apply it arbitrarily to other *municipia* except the 16 in Illyricum, Liburnia, and Macedon, which were plainly tiny, and for which 20,000 might be a fair estimate. The 10 *municipia* in other provinces will then comprise 30,000 citizens. The total is thus about 120,000. It may be much too high. When a provincial town was enfranchised, we must assume that the citizenship was extended only to those who already possessed local political rights. But it is well known that in both the east[1] and the west the local franchise could be limited, as at Vienna and Nemausus (pp. 249 f.). Carthage had ruled over Libyan subjects, and other Punic towns. Gades and Utica may similarly have confined political rights to a minority. Pliny's average figure is of course one for male inhabitants, and includes any who were locally disfranchised. The total number of new citizens in the *municipia* may then have fallen well below 120,000. No account, however, has been taken of this possibility in the subsequent estimates.

(ix) *The Number of Citizens Overseas in 28 B.C.*

I have estimated the number of 'Italian' adult males overseas in *c.* 69 at about 125,000, *c.* 49 at about 150,000, of whom some 40,000 to 50,000 were recruited by the Pompeians in the east, in Africa, and in Spain in 49–45. Of these many were killed, some were taken into Caesar's army after Pharsalus and others perhaps incorporated in his colonies. Many of the survivors among them and indeed other citizens overseas who had escaped enrolment between 49 and 45 or who had emigrated under Caesar's scheme must have been enlisted in the wars that followed his death. Moreover, a high proportion of the Romans domiciled overseas before 49, or of their SONS, lived in towns which became colonies or *municipia* in this period, or probably migrated to them; the survivors of those who were called up into the army will often have been among the settlers planted in provincial colonies. It seems reasonable to conjecture that the Roman citizens domiciled in peregrine communities overseas in 28 may have been below 100,000. Precise calculations would be absurd.

In 28 there were 55 surviving colonies overseas. I shall assume (*a*) that in 19 Spanish and African colonies[2] some 38,000 natives were enfranchised, and 12,000 in the rest: (*b*) that the average number of new settlers was 3,000 per colony, or a total of about 165,000. I have supposed that Caesar may have settled overseas 20,000 soldiers, including Pompeians, and shall argue later that Augustus settled some 30,000 after Actium (Chapter XIX,

[1] A. H. M. Jones, *The Greek City* 160 ff., 172 ff.

[2] Corduba, Hispalis, Urso, Celsa, Ucubi, Nova Carthago, Tarraco, Itucci, Acci, Carthage, Clupea, Curubis, Carpis, Neapolis, Hippo, Thabraca, Uthina, Sicca, Cirta. The dating of some of these colonies is of course uncertain, and others might be added or substituted. Pre-Caesarian colonies are excluded.

section vii). Of the former most were probably recalled to the standards in 44–43, and some never returned, but if we allow for some triumviral settlement of soldiers in provincial colonies, e.g. at Philippi (C 83) and Tauromenium (C 71), we may keep to a total of 50,000 veteran colonists. This leaves about 115,000 for civilians. I have further estimated Caesar's proletarian emigrants at 70,000. To these must be added the partisans of Antony whom Octavian expelled from Italy after Actium, and 'Italians' previously domiciled abroad, e.g. round Carthage, who secured local civic rights in the new colonies, which were often already their homes. I have assumed that some 150,000 'Italians' were domiciled abroad in 49, and that by 28 only 100,000 at most were resident in peregrine towns. We must remember that many of the 'Italian' residents in the provinces were recruited for the legions in civil wars; some were killed, and others survived to be settled as veterans. Others again acquired rights in the new provincial *municipia*. With these considerations in mind, I suggest that 115,000 is an adequate estimate for civilian colonists. On these estimates, the adult male citizen population of the overseas colonies was about 215,000.

If half of the new *municipia* antedate 28, on my previous estimates they might have comprised some 60,000 Roman adult males.

We may add 100,000 Roman adult males living in peregrine communities, and estimate the grand total of citizens domiciled in the provinces in 28 at about 375,000.

Naturally, I place no reliance on such precise figures. However, they are coherent with what I regard as the best interpretation of the census figure of 28 (Chapter IX). I suggest that they are of the right order.

Since in my view the Augustan census figures include women and children (over the age of one year), it is worth considering how many of these there might have been. It is improbable that many of the 30,000 newly settled veterans had wives of citizen status. Italians would often have been enlisted as bachelors; and if married, many would have lost their wives in the years of separation. Moreover, the triumviral legions were not recruited exclusively from Italians, and it seems probable that the numerous soldiers of provincial extraction would have been allotted lands in the provinces rather than in Italy. To judge from Octavian's edict on the privileges of veterans (p. 248 n. 2), such provincial legionaries would also have received citizenship for their wives, children, and parents, though probably few had children aged over one year as early as 28. Where provincials were enfranchised in *municipia* or colonies the women probably benefited as well as the men (p. 248). The ratio of 35 : 100 for adult males to all *capita civium Romanorum*, proposed on p. 117, may be rather too low for these new citizens. It would give a total of 1,070,000. We could allow another 140,000 at a ratio of 31 : 100 and proportionately reduce the number of citizens in Italy.

(x) *The Number of Citizens Overseas in 8 B.C.*

In all probability 45 of the remaining 46 colonies ascribed in my list to this period belong to the years 28–8 B.C. They include 3 (the Gallic Valentia, Vienna, and Tingi), whose dating to Augustus' time is indeed dubious, where there was certainly or probably no veteran settlement. Taking 3,000 settlers in each of the other colonies, we should arrive at a total of 126,000 veteran colonists. By other calculations I have set the number of veterans discharged in these years at about 127,000 or a few more. The totals agree rather too well, for it is hardly to be doubted that some veterans retired to Italy (Chapter XIX, section vii); and we might think that the provincial colonies, mostly places of little note, were smaller than the average hitherto adopted, and that the veterans settled overseas did not exceed 100,000.

We may also guess that 6,000 natives were enfranchised in Gallic Valentia and Vienna (Tingi was already a *municipium* before 28), about 30,000 in 14–15 colonies in Baetica, Tarraconensis, and Africa,[1] 10,000 in the rest, and about 60,000 in the remaining Augustan *municipia*, all of which may be earlier than 8 B.C. That gives a total of 106,000 enfranchised provincials, to say nothing of serving legionaries of peregrine origin and other recipients of viritane grants. The implications for the interpretation of the census of 8 have already been discussed (pp. 118 ff.).

(xi) *The Number of Citizens Overseas in A.D. 14*

If we neglect the possibility of natural increase and assume a stationary population, the numbers by A.D. 14 should be roughly as follows:

adult male citizens domiciled overseas in 28 B.C.	375,000
addition by 8 B.C.	200,000
addition by A.D. 14 (Panormus) say	5,000
Total	580,000

Of these we may reckon of provincial extraction, ignoring legionary veterans of this class:

in 28 B.C. (including the Sittiani, and 6,000 at Noviodunum and Raurica)	120,000
addition by 8 B.C.	106,000
addition by A.D. 14 (Panormus) say	2,000
Total	228,000

If we further suppose that 25 per cent of the legionaries serving in A.D. 14, say about 25,000 men, were of peregrine status by birth (p. 242), and that the same proportion holds for the 300,000 veterans discharged by Augustus,

[1] Hasta, Astigi, Tucci, Asido, Ilici, Barcino, Caesaraugusta, Salaria, Libisosa, Thuburbo, Simitthus, Thuburnica, Assuras, an anonymous colony (C 46), and (?) Maxula. Probably many fewer natives were enfranchised in these small places.

giving 75,000 former non-citizens, the adult males enfranchised will have been about 325,000, ignoring those who had been killed during service in the legions and all other recipients of viritane grants. We might guess that new citizens or their descendants included 350,000 adult males by A.D. 14.

If we arbitrarily take the ratio of adult males to *civium capita* among the citizens domiciled abroad to be 31 : 100, then on these conjectural estimates they numbered about 1,870,000, some 660,000 more than in 28 B.C. given the same ratio at that date. I suspect that the growth in citizen numbers shown by comparison between the census returns of 28 B.C. and A.D. 14 is mainly to be attributed to an increase in citizens overseas. It is indeed quite conceivable that I have underestimated their numbers in both years, particularly in A.D. 14, when we should allow for manumissions as well as for descendants; moreover, it is perhaps unwise to assume that in the provinces citizens failed to multiply by natural increase. I have already pointed out that no satisfying explanation can be given for the smallness of the accession in registered numbers revealed in the intermediate return of 8 B.C., but that it is possible that in the provinces the method of registration became more efficient by the end of Augustus' reign (p. 118).

PART THREE

SPECIAL STUDIES OF ITALY

XVI

THE DEVASTATION OF ITALY IN THE HANNIBALIC WAR

IN his remarkable work *Hannibal's Legacy* Arnold Toynbee has tried to show how the Hannibalic war was a fatal turning-point in Roman history. Many of the indirect effects of the war were certainly disastrous. But in my view Toynbee has much exaggerated the adverse effects on Italian agriculture of the devastations wrought by both Hannibal and the Romans. He has also not brought out clearly enough the fact that these devastations mainly affected allied and not Roman territory.[1] In the *Cambridge Ancient History* Hugh Last dismissed a common belief that the decline of the small farmer by 133 B.C. was due in part to the devastations of the Hannibalic war, which had promoted the substitution of pasturage for corn-growing, by remarking that 'the ravages of invasion, even at their worst, are superficial: where land is good, they do not cause it to be abandoned, nor do they produce a revolution in the use to which the land is put, if that use is already the most remunerative'.[2] This comment seems to me just, but Last should have added that the Hannibalic devastations could not in any event have promoted the decline of the *Roman* yeomanry, with which Tiberius Gracchus was at least primarily concerned, because they hardly touched the lands Roman peasants were tilling at the time. Campania with its half-citizens is, of course, an exception, but no one has ever thought that the prosperity of Campania was irreparably reduced by the Hannibalic war.

When Hannibal debouched into peninsular Italy in 217, he began to devastate Etruscan lands; after Trasimenus (late June), he ravaged Picenum in Roman territory and the lands of some Latin and allied cities from Spoletium to Arpi. Polybius says that he gathered rich booty in Picenum and near Latin Hadria, and killed many who were working in the fields. But, as he spent only about a month in these districts, he can have done little permanent damage.[3] Except for Luceria and Arpi, the communities that suffered at this time were free from further devastations. Toynbee himself rightly emphasizes the importance to Rome of the immunity of 'North-Western Italy', as distinguished from 'South-Eastern'. From 217,

[1] ii. 10 ff.

[2] *CAH* ix. 4.

[3] Pol. iii. 80, 82, 86–8 (Livy xxii. 3. 6, 4. 1, 9, with variants). For dates De Sanctis 119 ff.; Walbank on Pol. iii. 78. 6.

as he says, the front ran from the mouth of the Volturnus between the lands of the Samnite Pentri and the Samnite Caudini and Hirpini to the territory of Luceria and Arpi. South of this line there was constant fighting, but even to the north in Toynbee's view the population could not carry on their normal business; the mobility of Hannibal's forces made 'the region immediately adjoining the front on the Roman side . . . permanently unsafe, especially for agriculturists living and working in the open country', and the peasantry were obliged to seek refuge within the walls of towns where they found employment in war-industries; in particular, there must have been much migration to Rome itself. He seems to think that this picture is true of the whole area between the Volturnus and Rome. Even in that case the Roman territory in south Etruria, the Sabine and Praetuttian lands, and Picenum were outside the zone of danger. But is Toynbee's picture true?

Roman and allied territory between the Volturnus and the Tiber was indeed twice invaded by Hannibal. In August 217 he ravaged the Ager Falernus and the lands of the Roman colony of Sinuessa in the south of this region. Livy says that the fairest part of Italy was burned and that the smoke of villas was to be seen everywhere. But Hannibal cannot have stayed in the district more than about a week, and in so short a time he cannot have inflicted serious losses.[1] In the late Republic this part of Italy was far from ruined; it was renowned for its wines. In 211, attempting to relieve Capua, Hannibal marched on Rome itself.[2] His route is disputed. Polybius says that he went by way of Samnium 'at a great pace, without stopping'; clearly he cannot have ravaged the country on his path effectively. De Sanctis believes that Polybius' statement can be partially reconciled with Livy's detailed account of his march up the Via Latina; Livy records devastations of the territory of allied, Latin, and Roman towns on the route, but they were brief, one day in the lands of Teanum Sidicinum and two in those of Casinum. Coelius Antipater took him through the Abruzzi into Sabine territory; if this account is right, it must still be presumed that he was in too much haste to reach Rome to do great damage on his march. There can be no doubt that he devastated the lands round Rome itself. Polybius says that he collected enormous booty, precisely because the people there had never expected to be attacked. This testimony entirely contradicts Toynbee's view that even as far north as Rome people were afraid to live in the country or till the fields. Similarly, according to Livy the roads to the city were packed with men and beasts driven by sudden panic to seek refuge in Rome; Hannibal's cavalry had been able to seize men of all classes and ages in the Ager Pupinius. It is not likely, moreover, that he remained long near Rome, and whichever route he took on his

[1] Pol. iii. 90–2; Livy xxii. 12 ff., esp. 14. 1–3.

[2] Pol. ix. 5–7, esp. 6. 9. Livy xxvi. 7 ff., esp. 9. 13, 10. 8; De Sanctis 336 ff.

retreat, it was apparently rapid. The actual harm done cannot have been very great.

Toynbee's theory is based on a number of passages in Livy. First, Livy tells us that on taking office as dictator in 217 Q. Fabius ordered by edict that the inhabitants of unfortified towns and *castella* should take refuge in safe places and that all living in a district where Hannibal was likely to march should leave their lands for towns after burning their houses and crops.[1] This edict, if authentic, was not yet known to the inhabitants of Picenum whom Hannibal was able to kill in the fields, but even later in the year it had evidently not been put into operation in the Falernian and Sinuessan lands (*supra*), to say nothing of allied territory which was subject to Hannibal's depredations.[2] Hannibal's army was bound to live off the country, and in fact Polybius states that in autumn 217, when Fabius was still in command, Hannibal learned that most grain was to be got in the neighbourhood of Luceria and Gerunium, and seized the latter place as a base for foraging.[3] Evidently the supplies he obtained were enough for his needs until after the harvest of 216, which in Apulia would have been gathered in June. He waited until he could obtain new supplies from the annual crops—clearly the grain had been sown and harvested in the immediate vicinity of the enemy—and then seized the depot at Cannae, a place inadequately fortified.[4] It would seem that Fabius' edict, if ever issued in the terms reported, was pretty ineffective.

Secondly, Livy says that as consul in 215 Fabius ordered that all grain should be conveyed into fortified cities before 1 June and announced that where this precaution had not been taken he himself would ravage the fields, sell the slaves and burn the villas. Toynbee conjectures that this edict was reissued each year. It is hard to believe that it has been correctly reported. The date before which the corn was to be brought in is too early for the harvest, and though it would have been a wise precaution to ensure that so far as possible grain was stored behind walls, it would have been senseless to enact by implication that it should not be harvested at all. But suppose that the date is wrongly given or that it corresponds to a later date in the Julian calendar: the edict still presupposes that the seed was to be sown and the harvest gathered.[5]

[1] xxii. 11. 4; late annalistic invention, according to M. Gelzer, *Kl. Schr.* iii. 233.

[2] Hannibal found much booty in the unfortified town of Telesia (Pol. iii. 90. 8).

[3] Pol. iii. 100 f.; Livy xxii. 18, 23 f. He also raided the territory of Larinum.

[4] Pol. iii. 107. 3. Livy xxii. 40. 7 ff. (cf. 43. 2 ff.) says that all grain had been conveyed into fortified cities, and that Hannibal had only 10 days' supplies left before the battle of Cannae (early August, cf. Walbank on Pol. iii. 107); if there is any truth in the second statement, it must relate to the time just before the capture of the citadel of Cannae, which Livy does not notice. For storage of provisions in towns Livy xxvi. 8. 11, 9. 5; xxvii. 43. 10, disbelieved by Gelzer (loc. cit).

[5] xxiii. 32. 14. De Sanctis iii. 2. 87, 120, 136 seems to show that in 218–216 the calendar was in order or nearly so.

Thirdly, Livy says that in 213 the rustic plebs had been driven into Rome by want and fear and the fields left uncultivated, that the citizens found it hard to pay taxes (or so they claimed), as they had nothing left but the bare and waste soil—the enemy had burned their buildings and even slaves had been withdrawn for military and naval service, and that in 206 the consuls had to restore the people to the land, now that the war had been removed far from Rome and Latium and men could live securely in the country, but that even then they were still reluctant to return to their farms, as free cultivators had been killed, there was a lack of slaves, cattle had been carried off, and villas sacked and burned.[1] These statements are in stark contradiction to the evidence previously cited, and to Livy's own report that in 208 a serious pestilence had raged in the city and the *fields*.[2] As they do not agree with the testimony of Polybius and with inherent probability, they cannot be credited. A flight to Rome and other towns might indeed have occurred in the panic that Hasdrubal's march south could have provoked in 207, but it would hardly have lasted after the Metaurus. If there is any truth lying behind what Livy tells of the consuls' action in 206, we may suspect that he misunderstood a measure of much more limited application, which he goes on to record, the restoration to their homes of colonists at Cremona and Placentia (p. 190), whose lands had indeed been continually ravaged by the Gauls; it was (he says) their condition that suggested the more general measure he reports.

Livy's notion that the fields were left untilled in the relatively safe Ager Romanus is all the stranger, as he constantly refers to cultivation of the land in the very regions where fighting took place. Thus, if we believe his account, in 215 Tiberius Gracchus obtained grain at Casilinum from the upper Volturnus valley, and later specifically ordered the Cumaeans to bring everything from the fields into their city, while Q. Fabius obtained grain for his camp above Suessula not only from Naples (where it might have been imported) but from Nola; he also waited for the Campanians to sow their fields and did not begin devastations until he could collect food from them.[3] The Locrians only brought grain, wood, and other supplies into their city, when it was in immediate danger.[4] In 214/13 Hannibal obtained grain for his winter camp at Salapia from the lands of Metapontum and Heraclea; in the winter his cavalry could find little to forage in Calabria and Apulia, and no doubt this indicates that produce had been stored safely in the Roman strongholds such as Luceria, Venusia, and Brundisium.[5] We are told that in 212 he tried to provision Capua with grain collected from the rebels in Samnium and Lucania. Livy suggests that by

[1] xxv. 1. 8; xxvi. 35. 5 f. (cf. App. *Hann.* 17 (216)); xxviii. 11.
[2] xxvii. 23. 6. [3] xxiii. 19. 8, 35. 12, 46. 9, 48. 1. [4] xxiv. 1. 2.
[5] xxiv. 20. 15 f. The cities of Metapontum and Heraclea had not yet revolted to him. I do not doubt that he depended mainly on the crops of his Apulian allies. cf. p. 275.

then the Romans had been able to prevent the Campanians sowing their lands, but he soon contradicts this by saying that they sought to destroy the corn which was then in blade and showing that cavalry could be expected to hinder these depredations.[1] Toynbee rightly stresses the importance to Rome of the recovery of Campania; it was a granary; for this reason the local peasantry were spared and not deported, and we find the land being let for arable in 210.[2] Yet Campania was in more danger from Hannibal then than Latium had ever been, as it was much closer to the front. Again we find that the people continued to till the fields outside Tarentum in 212 and 210.[3] At the last Hannibal depended on the harvests of Bruttium, and was short of food because so large a part of the Bruttian population was in arms and not available for cultivation.[4] All these details may indeed be annalistic inventions, but we have it from Polybius that in 211 Hannibal could surprise Rhegines working the lands outside their walls,[5] and yet Rhegium was in as constant danger from the raids of the hostile Bruttians as any city in Italy from the opposing armies.

Since the evidence from Livy which Toynbee relies on and that which he ignores is alike suspect, we must rely on Polybius and general probabilities. Polybius shows that grain was sown and harvested in 216 in the principal theatre of operations and that in 211 the countryfolk had not been driven into the towns near Rome and near Rhegium. But he also says in a fragmentary and undated passage that the Romans sent for grain to Egypt in view of their great shortage, stating that they envisaged the destruction by the armies of all the grain grown in Italy up to the gates of Rome and the impossibility of importing from any other foreign source because of the wars in progress in every other part of the world. The price at Rome had then risen to 15 *denarii* for the Sicilian *medimnus*.[6]

This appeal to Ptolemy was plainly made when Rome was not drawing supplies from Sicily and Sardinia. Hiero of Syracuse is said by Livy to have sent, besides barley, 300,000 *modii* of wheat in 216 and 200,000 in 215, enough (on Walbank's computation)[7] to feed 100,000 and 67,000 soldiers respectively for a month.[8] In addition much grain may have come from the

[1] xxv. 13 but cf. 15. 3 and 18.

[2] xxvii. 3, cf. Toynbee 121 ff. If each war-year's cereal crop had been lost in Campania (as he supposes), the Capuans would have been starved out long before 211, as they could obtain no supplies from oversea.

[3] Livy xxv. 9. 5; xxvi. 39. 20 ff. As the Romans controlled the harbour at Tarentum, it seems that the Tarentines must have supplied themselves from their territory from 212 to 209. Before Hannibal seized the city cavalry could be used to hinder enemy depredations, Pol. viii. 27. 2, and it was taken for granted that shepherds would remain outside the city, 29. 7.

[4] See p. 279 n. 9.

[5] Ix. 7. 10.

[6] ix. 11 a.

[7] See his note on vi. 39. 12–15.

[8] Livy xxii. 37. 6; xxiii. 38. 13. In 216 Hiero also allegedly provisioned the Roman fleet in Sicily, according to xxii. 21; perhaps the tax-grain had been shipped to Rome, leaving the fleet short. xxiii. 48–9. 4 shows shipments of grain from *Italy* to the Spanish army; it is alleged that Sicily and Sardinia hardly supported Roman forces in the islands (48. 7)!

province of Sicily, as tithes or by requisitioning and purchase. (Requisitioning was a cause of revolt in Sardinia and probably stimulated disaffection in Sicily.[1]) Livy thought that Sicily was already the granary of the Roman people, but this may be an anachronism.[2] There were presumably no more gifts from Syracuse after 215, and the outbreak of serious hostilities in Sicily probably interrupted all supplies from the island by 213; what could be procured there was needed for the local Roman forces. It was not till 210 that steps could be taken to force the Sicilians to produce a surplus exportable to Rome and Italy and that the governor could boast that the abandoned land was being resown and would at last bear crops both for the cultivators and for Roman needs; the first shipment was made in 209 to Rome and to the army at Tarentum.[3] In Sardinia, though there was much fighting only in 215, the Romans kept two legions until 207. Only part of the island is fertile, and it may be doubted whether it produced a large surplus over and above what the garrison required. We have some measure of what Sicily and Sardinia could supply in the evidence, if it can be trusted, which Livy gives for the years 190 and 189; in both a double tithe was to be collected from the islands; in 190 all the Sicilian grain and part, perhaps half, the Sardinian was to be shipped to the forces in Aetolia, and in 189 half the grain from both sources was to go to Aetolia and half to Asia.[4] Now, if we accept the estimates of Afzelius and Thiel for the size of armies and fleets respectively, the Romans had about 50,000 men to feed in Aetolia in 190 and about 75,000 in the east in 189.[5] The grain required for the men, assuming that rowers had the same rations as legionaries and that no reliance was placed on local supplies, was thus about 1,800,000 *modii* in the first case and 2,700,000 in the second. It is evident that if the product of double tithes in Sicily and Sardinia was on this scale, it was no more than an important contribution to Italian grain needs in the Hannibalic war. If all this be accepted, grain production must have greatly risen in Sicily by Verres' time, when the amount of a single tithe was taken by Cicero to be 3 million *modii*, and when (as in 190–189) a second tithe could be extracted.[6] But so much could clearly not be obtained from Sicily before the annexation of Hiero's old kingdom, nor perhaps immediately after 210, and even imports of 6 million *modii* would have done no more than provide the equivalent of annual rations for 166,000 soldiers, leaving little over for the civil population.

We may now revert to the text of Polybius. It is clear that the appeal to Ptolemy must be dated within the period from 214 to 210 when there were no imports from Sicily, nor perhaps from Sardinia. Moreover, the reference

[1] xxiii. 32. 9, cf. 41. 6–7, xxii. 21. 5; xxv. 20. 3. Requisitioning in Sicily, xxix. 1. 14 (205).
[2] xxvi. 32. 3, 40. 16 f. [3] xxvi. 40. 16 f.; xxvii. 5. 1–6, 8. 18 f.
[4] xxxvi. 2. 12 f.; 50. 9 f.
[5] Afzelius II, 21, 49 ff.; Thiel I. 210–15, 258–65.
[6] *Verr.* ii. 3. 163.

to the devastations extending to the very walls of Rome strongly suggests that the appeal followed Hannibal's march on the city in 211. Probably it took place at that very moment or just afterwards. As shown above, there had been no apprehension that Hannibal would venture so near Rome; the government would have neglected to store large reserves of food within the walls; the influx of refugees must have suddenly increased demand; there was perhaps even fear of a prolonged blockade, and even after Hannibal's departure there can have been no immediate confidence that he would not return. A real scarcity could thus have been aggravated by panic. But whether the senate or Polybius himself exaggerated the danger, it is manifest, given the population in Roman Italy, that there would not have been a scarcity so much as total famine and the dying off of the entire citizen body, if it had really been true that no grain could be grown in Italy and none imported, except from Egypt. We do not know that the appeal to Ptolemy succeeded, but if it did, we can be sure that Egyptian shipments cannot have been on a scale to relieve a famine that extended throughout the peninsula.[1] The exaggeration is such that we are asked to believe that even the 'North-West' could not produce supplies.

No doubt Etruria, in particular, furnished grain to both Rome and the armies far more often than is actually recorded.[2] But we must not suppose that the 'South-East' was even mainly supported by the 'North-West'. A great part of the 'South-East' was for several years in revolt. It could obtain no food from Etruria. Hannibal's own army needed to be fed from the production of the peninsula. We are told by Livy that in 216 he sent Mago to Carthage with a request for the shipment of grain as well as of reinforcements and money, and in 215 the appeal was answered.[3] But this was the last, as well as the first, recorded shipment of the kind. In 216/15 Hannibal wintered at Capua, in 215/14 at Arpi, in 214/13 at Salapia; both Campania and Apulia were noted for cultivation of cereals.[4] In the end, as already observed, he had to fall back on the production of Bruttium. There can be no doubt that the rebel communities grew what corn they could for themselves and for his army. Yet they were often in as much peril from Roman attacks as loyal cities in the south such as Venusia, Luceria, or Beneventum from Punic. It is a mere absurdity to think that these faithful colonies were provisioned from a distance. What could have been an easier or more obvious object of attack than long, slowly moving trains of wagons? But if

[1] Livy xxvii. 4 records a Roman embassy to Egypt for a different purpose in 210; M. Holleaux, *Rome, la Grèce et les monarchies hell.* 60 ff. was probably wrong to doubt whether the embassies are identical and whether Livy's is authentic.

[2] Livy xxv. 15. 4, 20. 3, 22. 5; xxvii. 3. 9; xxviii. 45. Cf. Diod. v. 40. 3 and 8 (Posidonius) on the fertility of Etruria. See p. 286.

[3] xxiii. 12. 5, 41. 10. Cf. xxviii. 46. 14 (Coelius) for capture of ships bound with grain for Hannibal in 205.

[4] xxiii. 18, 46. 8; xxiv. 20. 15. For Apulian grain see p. 369.

cities in the very centre of military operations had no alternative but to sow their fields and do their best to harvest the crops, as the only means of survival, it would be paradoxical to suppose that cities behind the 'front' did not do likewise.

Certainly the armies on both sides continually resorted to devastations.[1] They did so, not only to injure the enemy but to provide themselves with food and fodder. The continuance of devastations in itself indicates that the cultivation of the soil persisted. I do not mean to minimize the immediate effects of these devastations. They must often have created grave scarcities. People must have died of sheer starvation or succumbed to diseases from undernourishment.[2] But the survivors had no choice but to resume the effort to extract their livelihood from the soil. If one year the crops were cut by the enemy, it was more imperative to sow them for the next season. I imagine that some land went out of cultivation. Sometimes there would be a shortage of seed, often a shortage of labourers. The call-up of free men for armies, and in Roman Italy of slaves for the fleet, must have left much of the work to be done by women and children. The census figures attest the decline in Roman manpower. Among the Italian peoples who were more directly exposed to the impact of war the decline may have been greater, extending to women and children just as much or more than to adult males. Devastations, however, represent only one factor in the depopulation that the war must have brought about. In addition towns were sacked,[3] and people transplanted temporarily to new homes[4] or enslaved.[5] All this need not have led to any lasting deterioration in the land or permanent depopulation. It hardly affected the Ager Romanus, and here within the limits imposed by a shortage of manpower, there must have been the utmost effort throughout the war to produce the largest quantity of foodstuffs, to support the armies as well as the civil population.

[1] e.g. by the Romans in Campania, Livy xxiii. 46. 9; Pol. ix. 4. 3; in Samnium, Livy xxiii. 39. 6; 41. 13 f.; xxiv. 20. 3; in Lucania, xxiv. 20. 1; in Bruttium, xxvi. 40. 18 (cf. Pol. ix. 27. 11); xxvii. 12. 5 f.; xxviii. 11. 13, cf. 12. 7; xxix. 6. 2 f.; by Hannibal, pp. 269 f., cf. xxiii. 1. 6 (Naples), 14 ff. (Nola), 19 (Casilinum); xxiv. 13. 6 (Cumae), 14. 2 (Beneventum); xxv. 14. 11 (Rome's southern allies, presumably Beneventum, Venusia). Pol. ix. 26. 9 speaks generally of pillage by soldiers. Testimony is almost redundant.

[2] For pestilence in 211 and 209, Livy xxvi. 16. 7; xxvii. 23. 6, cf. 9. 3. For famine and plague late in the war see Livy xxviii. 12. 8 f., 46. 15; xxix. 10. 1; affecting both sides, they brought operations nearly to a halt. Cf. App. *Hann.* 17 (216). See pp. 67 f.

[3] e.g. Petelia and Consentia in Bruttium (Pol. vii. 1; Livy xxiii. 30; App. *Hann.* 29); Nuceria, Acerrae, Casilinum in Campania (Livy xxiii. 15, 17, 19, cf. xxvii. 3, 7), Samnite towns (Livy xxiii. 37, 39; xxiv. 20, perhaps doublets), Terina in Bruttium (Strabo vi. 1. 5), not to speak of Capua, Arpi, and Tarentum. Hannibal allegedly destroyed 400 towns and killed 300,000 Italians (App. *Lib.* 63, 134); the former, like the latter, statement must be a gross exaggeration.

[4] Pol. ix. 26. 7, e.g. the people of Atella (App. *Hann.* 49), Herdonia (Livy xxvii. 1), and Thurii (App. *Hann.* 57); many left Italy with Hannibal; the story that he enslaved or massacred the unwilling is not acceptable (ibid. 59).

[5] Livy xxiii. 37 reports the enslavement of 5,000 Hirpini.

No part of Italy suffered more in the war than Campania and Bruttium. Campania recovered: Bruttium did not. To explain the divergency, we must invoke other causes than the ravages of the war. Toynbee observes (p. 33) that the 'deep south' was suffering from the 'cumulative effects of three centuries of successive disasters'.[1] The continual wars between the Greek cities and their neighbours, and the Roman reduction of Samnium, are indeed likely to have done at least as much injury here as the Hannibalic war. But the south had enjoyed two generations of peace between Pyrrhus and Hannibal. A healthy economy should have revived in this interval and again after 200. It is not appropriate here to suggest the true explanation. Perhaps we do not know enough to find it. The causes of economic decline are apt to be complex. The confiscations of land by which Rome punished the rebels (Chapter XVII), the importation of hordes of slaves, the profitability of pasturage are surely involved.

[1] Toynbee ii. 33. Dio ix, fr. 27 is interesting on the difference Pyrrhus is said to have observed between the ravaged and empty lands of the south and the prosperity of Roman Italy with all kinds of trees, vineyards, tilled fields, and costly farm fixtures.

XVII

THE EFFECT OF ROMAN ANNEXATIONS AFTER THE HANNIBALIC WAR

As the Romans conquered Italy, it was their practice often to confiscate lands from defeated peoples; Roman or Latin colonies or viritane allotments might occupy only part of the area annexed; the rest became public domain.[1] The extent of this domain was enormously increased as a result of the Hannibalic war.[2] Of the confiscations that then took place that of the Ager Campanus is only the best attested, and it is hard to be sure in many instances how much of what is later known to be domain had been in Roman ownership before 218; for example in the second century the forest of Sila was state property, but according to Dionysius[3] half had been sequestered from the Bruttians before 264; probably the remainder was taken as a penalty for Bruttian disloyalty in the Hannibalic war. We cannot exclude the possibility that in 218 Rome already held much other land in the south annexed in earlier wars, but it cannot be an accident that the domain was so extensive in what had once been the territory of peoples who defected to Hannibal after Cannae. Beloch's estimate of 10,000 square kilometres confiscated is somewhat hazardous, based only on inference from the facts that colonies or viritane allotments could later be made in the south, or from occasional allusions to public land there, and when the evidence is post-Sullan, we can take the view that land might have become public only after the Social war.[4]

South of Campania the *Picentini* (we are told) were debarred from military service, an indication that they were marked out for severe punishment. The colony of Salernum with 300 families was soon founded in their territory; in the time of Augustus Picentia was a mere 'oppidum' in the land of Salernum, and it looks as if the Picentini disappeared as an independent community and, like the Capuans, lost title to their lands.[5] Eburum, perhaps a pre-Sullan colony arising from Gracchan allotments, was also in their former territory.[6]

[1] App. *BC* i. 7 with Gabba's notes. [2] Cf. Toynbee ii. 117 ff. (fuller account).
[3] xx. 15, cf. Cic. *Brut.* 85; Toynbee ii. 545 ff. [4] *IB* 73, based on detailed discussion.
[5] Strabo v. 4. 13; Pliny, *NH* iii. 70; Livy xxxiv. 45. 1. Beloch, *RG* 545, argues from Florus ii. 6. 11 and *CIL* x. 3608 that Picentia remained a separate commune in 90 and in the imperial period.
[6] *Municipium* with *duoviri*, Beloch *RG* 509, 511. The inference to its pre-Sullan status is uncertain.

In *Samnium* Telesia, which had revolted,[1] and Abellinum were probably colonies of the Gracchan period.[2] Allotments had also been authorized here and in Apulia to veterans of the Hannibalic war in 200–199, perhaps to the number of 40,000 (p. 70 n. 1),[3] and in 180 47,000 Ligurians are said to have been settled in the Ager Taurasinus near Beneventum; the number is suspect, but if sound, indicates that they occupied 654 square kilometres. Beloch suggested that if the Ager Taurasinus had become Roman before 218, it would hardly have remained vacant so long; the argument is not convincing, seeing that colonies were founded after 200 in south Etruria, where no confiscations after the war can be supposed.[4] Two or three Gracchan *cippi* have also been found near Aeclanum,[5] and the *Liber Coloniarum* reports Gracchan centuriation at Compsa (261, cf. 210), proof that there was public land here, whether or not lands were actually allotted.

In *Apulia* veterans were to receive lands in 200–199 (*supra*) and the colony of Sipontum was founded in 194 in Arpine territory;[6] Arpi never seems to have recovered after 200 (p. 368) and public *pascua* are attested in Apulia in the second century.[7] Centuriation in the Tavoliere seems to denote Gracchan settlement (p. 366). Tarentum also forfeited land on which Gracchus' colonists and, later, pirates pardoned by Pompey could be found homes.[8]

The *Lucanians* and *Bruttians* were most harshly treated. Strabo says that after the Hannibalic war they, like the Picentini, were no longer to send contingents to Rome's armies, but to serve only as couriers and letter-carriers (p. 278 n. 5). This is mysterious; obviously Rome did not need thousands of men for these services. But Cato alludes to what later writers call the 'officia servilia' rendered by the Bruttians to Roman magistrates, and Appian says that they were not enrolled in the armed forces as 'being not even free' (presumably they ranked as *deditícii*), and explains this, like Festus, on the ground that they had been loyal to Hannibal to the last; Festus adds that they were the first allies to revolt, and the evidence of Livy suggests that they contributed more than any other Italians to Hannibal's armies.[9] Naturally the penalties imposed on the Bruttians

[1] Livy xxiv. 20. 5.

[2] Both were colonies with *praetores duoviri*; Abellinum bears the cognomen Veneria, Telesia Herculia, cf. the Gracchan Junonia, Minervia, and Neptunia (Beloch, *RG* 493 f.).

[3] Livy xxxi. 4. 1–2.

[4] p. 189 n. 3, cf. Beloch 590 f. The *contributio* of these communes and of Caudium to Beneventum might go back to its Latin period in the second century rather than to Augustus (as P. Veyne, *Latomus* xviii, 1959, 568 ff.); Latin Cales held land in Lucania, *CIL* x. 3917.

[5] *ILLR* 473 with note.

[6] Livy xxxiv. 45. 3.

[7] Livy xxxix. 29. 8 f.

[8] p. 361 n. 1, cf. Livy xliv. 16. 7; Probus on Virg. *Georg.* iv. 125.

[9] Festus 28 L., s.v. Bruttiani; Gell. x. 3. 17 ff. citing Cato; App. *Hann.* 61. Beloch, *IB* 134 conjectured that the Bruttians were administered as *praefecturae*, of which we have no complete list; the Capuans would present an analogy, though in my view the *praefecti*

cannot have extended to Petelia, which stood a long siege from Hannibal, or probably to Consentia, which resisted him for a time (p. 50). Both towns appear in the Augustan list of municipalities preserved by Pliny, but by contrast of the Bruttian towns whose recovery towards the end of the Hannibalic war Livy records Pliny names only Clampetia, and as a mere 'locus', while the towns that had taken their place are few and insignificant; some perhaps survived as villages.[1] The Bruttians, *to judge from the later* condition of their country (pp. 359 ff.), were irretrievably ruined not so much by the devastations of the war, nor even by the heavy casualties they sustained, as by the settlement after their subjugation. Similarly, most of the Greek cities in the south had revolted from Rome and suffered heavy penalties which prevented them from recovering the prosperity they had long lost. As for the Lucanians, it is rather hard to believe that they ceased to serve in Rome's armies. Not all had taken part in the defection to Hannibal.[2] We actually hear of a Lucanian contingent in the second servile war in Sicily.[3] Unlike the Bruttians, they could take a prominent part in the Social war and in the Marian resistance to Sulla; that in itself suggests that they did not lack trained soldiers. But however this may be, they shared in the fate of Bruttians and Greeks in so far as they lost extensive tracts of their best soil to Rome.

Thus in the fertile valley of the Tanager Gracchan *cippi* have been found in the territories of Volcei, Atina, and Cosilinum,[4] and Forum Popilii and Forum Annii (if distinguishable) belong to this period.[5] Similarly in the Aciris valley, Grumentum (which the insurgents of 90 had to capture) seems to be a pre-Sullan colony, resulting from Gracchan settlement; its land went down to the southern coast,[6] and there the fine Lagarian wine was made (p. 360). The *Liber Coloniarum* (209 L) designates as *praefecturae* Grumentum, Volcei, Potentia, Atina with Cosilinum, Tegianum, and Velia with Latin Paestum. [Only Grumentum was Roman until after] 90, and Beloch rejected the evidence of this late and unreliable work on the ground that if all these places had been prefectures almost all Lucania would have been Roman before 90. But we can assume that allied towns

were not normally administrative officials (Appendix 3). In *RG* 594 he recanted, holding that they recovered treaty rights; he wrongly rejected the evidence on their inferior status, cf. also p. 281 n. 4. For Bruttian services to Hannibal see Livy xxiv. 15. 2 (also for Lucanians); xxvii. 15. 9; 42. 16; xxviii. 12. 7 f. (most of the *iuventus* in arms); App. *Lib.* 40 (most of the Italians with him at Zama must have been Bruttians); the story of the massacre in Diod. xxvii. 9, etc., is surely fable to illustrate his 'cruelty' (Livy xxx. 20. 5 f.). Only the Bruttians and Lucanians were in a position to give him much military aid (De Sanctis iii. 2. 224, cf. Pol. ix. 26).

[1] Livy xxix. 38. 1 and xxx. 19. 10 (doublet), cf. xxv. 1. 2–4; Beloch, *IB* 174 (coins); contrast Pliny, *NH* iii. 72–4, 95–6; his Tauroentum may be Livy's Tauriani.

[2] Livy xxv. 16. 5. [3] Diod. xxxvi. 8. 1. [4] *ILRR* 469–72.

[5] *ILS* 23, on which see now T. P. Wiseman, *PBSR* xxxii, 1964, 30 ff., where previous discussions are cited.

[6] App. *BC* i. 41; *praetores duoviri*, cf. p. 279 n. 8.

were used as convenient juridical centres for Roman citizens who were scattered over the countryside as a result of Gracchan settlements on what had become public domain *c.* 200.[1] On this view the Lucanians forfeited much of their best soil to Rome (cf. p. 358). On the west coast 300 Roman colonists were sent to Buxentum in 194,[2] and Blanda perhaps became a Roman *municipium* before 90.[3]

In *Bruttium* and *Magna Graecia* the confiscation of the forest of Sila was presumably now completed (p. 278 n. 3), and the Ager Teuranus, north-west of Catanzaro, where the *senatus consultum de Bacchanalibus* was inscribed in 186, appears then to have been *ager publicus*.[4] Latin colonies for 3,300 were founded at Thurii (193) and for 4,000 at Vibo (192) at the expense of Greeks and Bruttians respectively; the people of Croton lost land to Roman colonists there, and the Bruttians to those at Tempsa (194); probably, as in most other citizen colonies, the settlers numbered only 300. At Thurii land was deliberately left vacant for additional colonists, who were probably never sent.[5] Later, there was room in one of the more productive parts of Bruttium for Gracchan Scolacium.[6]

By the end of the Hannibalic war the citizen population was depleted. In the old Roman territory there was land available for sale which found no buyers because of a lack of money.[7] Colonists could be settled in lands confiscated earlier in south Etruria, where Saturnia and Graviscae were founded in 183 and 181, and at Heba at an uncertain date presumably after 168 (when Livy's record fails us), or in Picenum, where Potentia, Pisaurum, and Auximum were established in the same period; we also have a Gracchan *cippus* from Fanum Fortunae in this region, and it has been argued that there were Gracchan settlers in the Ager Capenas in south Etruria.[8] These regions may have been more attractive to Romans than the south, either because they were closer to the city or because (in Picenum) there was already extensive citizen settlement. We might indeed have expected that there would be more settlement in the exceptionally fertile soil of Campania, but only three small maritime colonies were founded there; most of it was left to the old population or fell into the hands of rich *possessores* (Chapter XIX, section iv). One wonders how far the veterans were actually allotted the promised lands in Samnium and Apulia; the notices in our sources are very brief, and allude only to the votes that authorized distributions, which were indeed to be on a large scale (p. 70

[1] Pais, *Colonizzazione* 147; Kahrstedt, *Historia*, 1959, 174 ff. We have no complete list of *praefecturae*; there may have been others in the south.

[2] Livy xxxiv. 45. [3] *Duoviri*, but cf. p. 278 n. 6.

[4] See M. Gelzer, *Kl. Schr.* iii. 259 n. 15 against Beloch, *RG* 594.

[5] Livy xxxiv. 45, 53; xxxv. 9, 40.

[6] Vell. i. 15. [7] Livy xxxi. 13. 5 ff.

[8] For colonies after 200 see *ESAR* i. 114 ff.; G. Tibiletti, *Athen.* xxviii, 1950, 183 ff., 234 ff.; H. H. Scullard, *JRS* l, 1960, 62. Capena, G. D. B. Jones, *PBSR* xxx, 1962, 166 ff.

n. 1). For the rest, the colonies on newly confiscated lands in the south seem to have been designed for strategic defence of the coasts,[1] not from motives of social welfare. Sipontum in Apulia and Buxentum in Lucania were so unpopular that the settlers sent out in 194 had vanished by 186.[2] Perhaps it was not till the Gracchan period that much use was made of cultivable land in the south, which must have fallen into Roman hands as a result of the Hannibalic war, for the purpose of making allotments to the poorer citizens. It might seem then that the government's object in effecting confiscations was purely punitive.

Certainly the punishment was severe. It is difficult to put much reliance on estimates of the acreage taken, but clearly it included some of the best land that the former rebels had possessed, part of the Tavoliere in Apulia, much of the verdant valleys of the Tanager and Aciris in Lucania, fertile oases in a barren country, the plain of old Sybaris, where fabulous yields of grain had been reported, now converted into the territory of the Latin colony of Copia Thurii, probably the remainder of the forest of Sila with its rich supply of pitch and timber.

[What did the confiscations mean to the old inhabitants? Heavy mortality in the war must have left much of their land vacant, but if all had remained in their possession, their progeny might ultimately have taken it up. If in fact, besides the Roman and Latin colonies founded in the south, some 40,000 veterans received lands there (p. 70 n. 1), the total of Roman and Latin settlers may have numbered 50,000. In addition 47,000 Ligurians are said to have been transplanted to the country near Beneventum (Livy xl. 38. 6; 41. 3). Wealthy Romans could also compete in the use of public pastures with the natives. No doubt some of the latter could find employment as tenants or labourers for Roman landlords or graziers. In Campania most of the land remained under cultivation by the former inhabitants, with precarious tenure, paying rent (p. 315).] The effect of this was to transfer to Rome part or all of the surplus produce of their labour and *pro tanto* to impoverish them. How far were similar arrangements made elsewhere? By 63 the rent from the Ager Campanus was clearly the only significant revenue of the kind that the Roman treasury received, but the Gracchan distributions which certainly affected much of the confiscated territory in the south, and the subsequent conversion of the allotments into private land, had intervened between the settlement *c.* 200 and the time of Cicero.[3] According to Appian (p. 278 n. 1) it had been the normal practice for the Romans to sell or lease cultivated land which they had confiscated and did not distribute to settlers, and to allow 'occupation' of other public land on payment of a quota of produce or of a poll tax

[1] E. T. Salmon, *JRS* xxvi, 1936, 47 ff.
[2] Livy xxxix. 23. 3 f. Sipontum certainly recovered, p. 368 n. 7.
[3] Cic. *leg. agr.* ii. 80, *cf. Att.* ii. 16. 1.

per head of cattle grazed; this land would have included arable which had fallen out of cultivation or had not yet been reclaimed. It does not follow that the former rebels were debarred from leasing or occupying the domain, and the *lex agraria* of 111 indicates that *peregrini* as well as Romans and Latins had enjoyed rights in the domain under laws or treaties, and continued to enjoy them.[1] The agitation among the allies against the activity of the Gracchan commissioners in 129 also shows that they had an interest in the domain.[2] In so far as they were still permitted use of the land that had once been their property, they were worse off only to the extent that they had to pay rents or fees to the Roman treasury.

However, we can hardly escape the conclusion that much of the confiscated land in the south actually fell into the hands of Roman magnates. The Italian agitation in 129 put an end at least temporarily to the attempts of the Gracchan commissioners to resume and distribute lands still in *Italian* possession; yet there is evidence (*supra*) that Gracchan settlements were made in Samnium, Lucania, Bruttium, and Apulia, evidently then on land that *Romans* had 'occupied'. Moreover, the difficulties in determining what was private land and what was public domain[3] indicate that payment of rent or grazing fees for the latter must have ceased to be exacted regularly, and except in so far as the Roman state may have deliberately exempted from such payments domain in the possession of allied states, a concession that would hardly have been granted to ex-rebels, the failure to collect public income is more intelligible, if the occupiers were members of the Roman ruling class or, at least, Romans who commanded some influence with that class. It may be that the aim of the senate in sequestering so much of the territory of the disloyal allies was not merely vindictive, but that they also had in mind the desire of many of their own members, if not of other Romans, to carve out great estates from an enlarged domain.[4]

Romans might sow or plant their new estates, so far as cereals, vines, or olives appeared profitable. The old inhabitants might then have become their tenants or day-labourers. Obviously in either condition they drew a smaller part of the product of the soil than when they had themselves been the owners. Furthermore, the tendency of large landholders to prefer slave labour to free, and the great influx of slaves, made it increasingly likely that they would be without any employment on the land; nor was there any compensating industrial or commercial development. And the second century was undoubtedly a period in which there were greater profits to be made from ranching, even though the shift from cultivation to pasturage

[1] *FIRA* I, no. 8. 29. [2] App. *BC* i. 19. [3] Ibid. 18.

[4] Cf. perhaps Cato, fr. 230, *ORF*²: 'accessit ager quem privatim haberent, Gallicus, Samnitis, Apulus, Bruttius.' Naturally no commune which survived at all, as did the Lucanian cities in the Tanager valley, can have been deprived of the use of all its land (see Toynbee ii. 546 ff.). But the disappearance of many Bruttian communities (p. 280 n. 1) is sinister.

is probably often exaggerated in modern works (pp. 370 ff.). These profits depended on the greater resort to transhumance that the Roman peace in Italy made possible. Some cultivable land in the plains and valleys was undoubtedly turned over to sheep-walks. As early as 185 the Romans had to send a praetor to Tarentum to suppress disaffection among the slaves herding cattle in the public pastures of Apulia; he is said to have put 7,000 to death. Stockbreeding in itself required a less intensive use of labour, and here too the labour employed was predominantly servile. It need not indeed be assumed that the Apulian pastures were necessarily all in the Tavoliere, which was well suited to cereals (p. 369), but the transhumance system demanded that some grazing land should be situated in the low country. And the famous Polla inscription leaves no doubt that in the pre-Gracchan period land in the fertile Tanager valley had been appropriated to pasturage (p. 280 n. 5).[1]

In sum the confiscations effected *c.* 200 deprived the peoples that suffered of much of their best land. What they lost was not mere ownership, though that was serious enough for their economic welfare, if they had to pay rents, but often possession as well. At various times between 200 and the time of the Gracchi the old inhabitants were evicted, if they had not already vacated their lands, to make way for peasant settlers, Roman, Latin, or (on one occasion) Ligurian. Some may have become tenants or day-labourers of Roman *possessores*, or have lost employment altogether to slaves; indeed, the extension of pasturage even in cultivable lands diminished the total amount of employment that was available. It is to this development rather than to the devastations of the Hannibalic war itself, from which the south ought to have recovered as a whole (as Campania did), that we must ascribe the desolation that was later observed in some southern regions (cf. Chapter XX). It makes it impossible to believe that the Samnites, Lucanians, Bruttians, and Apulians can have very greatly increased in numbers between 225 and the late Republic; too many among them were denied the means of subsistence.

[1] T. P. Wiseman, *PBSR* xxxii, 1964, 30 ff., plausibly connects the construction of the Via Annia (or Popillia) from Rhegium to Capua through mountainous country *c.* 130 with the prevalence of brigandage in a predominantly pastoral land; note in particular the 'coniuratio servorum' mentioned by Obsequens 27 in 134, though we do not know where in Italy it occurred.

XVIII

THE EFFECTS OF WARFARE IN ITALY IN THE FIRST CENTURY B.C.

FLORUS (ii. 6. 11) claimed that the devastations of the Social war were worse than those of the struggles against Pyrrhus and Hannibal. They were obviously less prolonged than the latter, but they affected more parts of Italy. Further devastations occurred in the *bellum Cinnanum* of 87, in the civil war of 83–81, in the risings of Lepidus and Spartacus, and in the fighting in 43 and 41–40; it was only in 49, thanks to the rapid advance of Caesar, that Italy was spared the horrors of a war in her own land.

Florus names as the chief victims in the Social war Ocriculum in Umbria, Grumentum in Lucania, Faesulae in Etruria, Carseoli in the old Aequian lands, Aesernia in Samnium, Nuceria in Campania, and Picentia to the south, and Asculum in Picenum. Some of his instances are known from other sources:[1] others lack confirmation but need not be doubted. The list is not exhaustive, and Florus may have chosen these particular names to illustrate how widely devastations ranged. We can add Alba Fucens, which stood a prolonged siege by the rebels,[2] Pinna,[3] Pompeii,[4] Aeclanum and Bovianum Vetus in Samnium, sacked by Sulla[5] (despite the services Minatius Magius of Aeclanum had rendered to the Romans),[6] and Nola, which was still invested by the Romans in 87, and held out against Sulla in the civil war apparently until 80.[7] Diodorus has a terrible picture of the privations of the people of Latin Aesernia, reduced to eating dogs and every living creature.[8] Once it had fallen into the hands of the rebels, it became their capital, and was no doubt taken again by Sulla.[9] We are told that Sulla spared Hirpinian places that capitulated; the implication is that he sacked those which did not.[10] Marrucinian and Vestinian territory was wasted. Orosius, who seeks to aggravate every misery of the past, avers that after taking Asculum Pompeius executed all rebel officers, sold the slaves and all the booty (probably all movables) by auction, and expelled the rest of the population; they departed 'free but naked and in want'.[11] Admittedly,

[1] Grumentum, App. *BC* i. 41. 184, cf. Gabba, ad loc.; Aesernia, ibid. 182, cf. n. 8; Nuceria, ibid. 187; Asculum, n. 11.
[2] *Per.* Livy lxxii. [3] Diod. xxxvii. 19. 4–20. [4] Oros. v. 18. 22 f.
[5] App. *BC* i. 51. [6] Vell. ii. 16. 2.
[7] Vell. ii. 17. 1, 20. 4; Diod. xxxvii. 2. 11 (87); *Per.* Livy lxxxix: Licin. 32 F. (80).
[8] Diod. xxxvii. 19. 1 f. [9] Ibid. 2, 9. [10] See n. 5.
[11] v. 18. 26, cf. Florus ii. 6. 11.

Pompeii seems to have sustained little damage, nor does any literary source suggest that it suffered much.

Devastations were not simply vindictive. The chief ports were in Roman hands, and in any event the rebels hardly had money or organization to arrange imports of food; many loyal cities were equally dependent on home production, if only because they were at a distance from the sea; to destroy their crops was to destroy the means of their resistance. Indeed the armies on both sides must often have had to live off the country; we read in Diodorus of their fighting to gather in the harvest.[1] By the end of 89, if not earlier, the Roman soldiers had no pay,[2] and had to seize what food they required; the rebels must often have been in the same plight. Decimus Brutus' conduct in 43 illustrates what might occur when a town had to be defended; he seized the property of the people of Mutina for his own troops, and killed and salted down their cattle.[3] On his return to Italy in 83 Sulla was careful at first to refrain from ravaging;[4] he needed to make a good impression and to rally support, and he had the spoils of Asia to pay for the goods he naturally required and must have taken. But soon both he and the Marian Norbanus were engaged in pillage;[5] they probably had little option, for they depended on the backing of their troops, and booty was always welcome to the soldiers.

It therefore needs no proof that every area in which fighting took place for any length of time in the first century was ravaged. It is enough to consider the places which suffered most.

In 87 it was the immediate vicinity of Rome. Ostia was cruelly sacked, Antium, Aricia, Lanuvium stormed.[6] Rome was threatened with starvation. A plague is said to have carried off 17,000 soldiers and it cannot have left the civil population untouched.[7]

Campania was ravaged in 83 and 82.[8] The fighting now extended to Aemilia, which had been spared in the Social war, and above all Etruria. Campania certainly and Etruria probably were among Rome's granaries,[9] and once again famine menaced the city in 82; in the autumn it was still 'empty of men and provisions';[10] probably, as during a grave shortage in Augustus' time, everyone who could left the city for the country, where food might still be found.[11] Sena Gallica,[12] Ariminum,[13] Sulmo,[14] Tuder, Praeneste[15]

[1] Diod. xxxvii. 24; Sisenna fr. 55 f. P.
[2] Oros. v. 18. 25 and 27.
[3] App. *BC* iii. 49.
[4] Vell. ii. 25. 1 f.; Plut. *Sulla* 27. 3.
[5] App. *BC* i. 86. 389, cf. 89. 410.
[6] *Per.* Livy lxxix f.
[7] App. *BC* i. 67. 307, 92. 427; Oros. v. 19. 18.
[8] Florus ii. 9. 22 with renewed comparison to Pyrrhic and Hannibalic devastations, cf. n. 5.
[9] Cic. *leg. agr.* ii. 80 for Campania. Etruscan grain in Hannibalic war, p. 275. I do not see how Rome could have been supplied, e.g. in 43–36, unless Etruria had remained an important source. Note Pliny, *NH* xviii. 86 f.
[10] App. *BC* i. 88. 406, 92. 427.
[11] Dio lv. 26.
[12] App. 88. 401.
[13] Cic. *Verr.* ii. 1. 36.
[14] Florus ii. 9. 28.
[15] Plut. *Cr.* 6. 5, App. 94. 438.

were sacked. Naples was betrayed to the Sullans; they killed 'everyone except a few who escaped'; Gabba thinks only the defenders suffered,[1] but at Praeneste we are expressly told that of the male Romans, Samnites, and Praenestine males within the walls only the Romans were spared; the rest were all shot down, though women and children were allowed to go free (p. 286 n. 15). Even that was perhaps to be reckoned merciful; some free persons undoubtedly fell into slavery in civil wars (pp. 292 f.). At Norba the citizens killed each other when the city fell into Sullan hands and set fire to the buildings; the place seems never to have recovered.[2] Volaterrae and Nola stood sieges until 80,[3] acts of despair that must have been ruinous to their citizens, and that can only have been prompted by the wretched fate of other cities more ready to capitulate.

Appian says grimly that Sulla settled things in Italy by war, fire, and great slaughter. Even when fighting had ceased, Sulla's troops were quartered as garrisons on the Marian cities.[4] Samnium in Strabo's view (perhaps exaggerated) was ruined for ever by his methods of pacification.[5]

The rule of Sulla gave Italy only a short breathing-space. In 78 the people of Faesulae who had been ejected from their lands rose to attack the veterans who had displaced them. A fragment of Sallust refers to a 'great force of men assembled from among those who had lost their lands and citizenship'. The whole of Etruria was soon in tumult.[6] The consul Lepidus, who had fomented the widespread discontent at the Sullan settlement, placed himself at the head of a revolutionary movement which attracted the support of the remnants of the Marian party everywhere. There was fighting in 77 in Cisalpine Gaul, where Pompey soon crushed Lepidus' supporters in the vicinity of Mutina.[7] Lepidus himself had marched on Rome, where he was easily repelled;[8] he soon took ship for Sardinia with over 5 legions. It appears that some 20 legions were raised before his *émeute* was put down (Chapter XXV, section ii). There must have been much pillaging, even though the fighting was not serious and was quickly over. Orosius tells of a prolonged siege of Alba, where the citizens were forced to surrender by famine; of this nothing more is known.[9]

Only four years later Spartacus' slave rising began in Campania. The surviving accounts are meagre, and no detailed and coherent story can be told.[10] Naturally, our informants diverge about the numbers of the slave insurgents. Appian says that at his greatest strength in 72, but after the

[1] App. 89. 411.
[2] Ibid. 94.
[3] *Per.* Livy lxxxix; Licin. 32 F; for Sulla's attempt to deprive the people of Volaterrae and Arretium of citizenship Cic. *Caec.* 99 ff.; *Dom.* 79.
[4] App. *BC* i. 95.
[5] Strabo v. 4. 11, cf. p. 355.
[6] Licin. 34 F; Sall. *Hist.* i. 65, 67, 69.
[7] Plut. *Pomp.* 16.
[8] Oros. v. 22. 16 must be wrong in speaking of a great slaughter.
[9] Oros. v. 22. 17.
[10] See F. Münzer, *RE* s.v. Spartacus.

defeat and death of his partner, Crixus, who allegedly commanded 30,000 men and lost two-thirds of them, Spartacus had amassed an army of 120,000. Orosius held that over 100,000 slaves were killed in battle.[1] It is unlikely that there were ever accurate computations; Appian says that the number of the dead in Spartacus' final defeat was uncountable, and we can well believe that they were not counted.[2] But the figures cited are not implausible. Certainly, though ill armed and untrained, the slaves were able to inflict defeats on three consular armies, each 2 legions strong, and Crassus needed 8 or 10 legions to hem them in and destroy them in 71 (Chapter XXV, section ii). For over two years a horde of slaves, which inevitably had to live off the country, roamed over large parts of Italy. In 73, according to Florus, they laid waste all Campania, not only the villas and villages, but the towns of Nola and Nuceria; if it be true, it is unexpected that they should have been able to penetrate strong town-fortifications. From Campania, they turned south through the Val di Diano, where Forum Annii was surprised, to ravage the territory of Consentia, Thurii, and Metapontum.[3] In 72 Crixus, who had parted from Spartacus, was defeated near Monte Gargano in Apulia. Spartacus avenged him by victories in Picenum and went as far north as Mutina, where he defeated the proconsul. He then even entertained the notion of marching on Rome, and partially carried it out, perhaps coming down the Via Flaminia; he again defeated the consuls in Picenum, but made through Lucania once more for Thurii, which he captured. Penned by Crassus in the Rhegine peninsula, he broke out; and it was not until he had reached the source of the Silarus, presumably not far from Compsa, that he was overtaken, defeated, and forced back, after an attempt to make his way to Brundisium, into the mountains near Petelia; he met his end in Lucania. Thus the depredations of the slaves, though doubtless most severe in Bruttium and Lucania, had extended at times to Campania, Apulia, Picenum, and Cisalpine Gaul.[4]

The losses inflicted by Spartacus were naturally aggravated by the mere fact that his army was composed of men who were expected to till the fields and to tend the flocks of the Italians; killed in battle, or executed on capture, they were permanently removed from the labour force. Moreover, as 8 or 10 legions were ultimately raised to combat them, some 40,000–50,000 countryfolk were thus diverted from cultivation of the land for over a year.[5] Finally, the terror Spartacus created must have reached beyond the lands he actually traversed. He had no clear strategic objective that he could consistently follow; if he indeed hoped at one time to break out of Italy across the Alps, he was forced to abandon the project. His only course was, therefore,

[1] v. 24. 19. For scepticism see O. Hirschfeld, *Kl. Schr.* 291 ff.
[2] *BC* i. 117. [3] i. 120.
[4] Florus ii. 8; Sall. *Hist.* iii. 97 f.; Oros. v. 24. 2.
[5] App. *BC* i. 117 ff.; *Per.* Livy xcvi; Oros. v. 24. 6; Plut. *Cr.* 11.

to march where food was to be found, and no one could predict where he would turn next.

It was believed that pirates were in league with Spartacus, but it was after his defeat that their raids became most damaging, that Caieta was sacked and the grain fleet captured in the port of Ostia, that they penetrated inland and sacked villas along the great roads.[1]

In 66 Cicero was to recall the sufferings of Italy in the civil wars and slave revolt, which were still fresh recollections. 'You remember', he said, 'the marches our generals in these years made in Italy throughout the lands and towns of Roman citizens, and you will then more readily decide what to think of their conduct among foreign peoples. Do you think that in these years the arms of your soldiers have destroyed more hostile cities than the allied states ruined by their winter-quartering?' Or again 'when hostile forces are not far away, even if no actual incursion has taken place, none the less herds are deserted, the cultivation of the land is abandoned, the ships of the merchants lie idle in port.'[2] The contemporary jurist, Servius Sulpicius, discussed the liability as between landlord and tenant farmer for loss due to enemy invasion; he was almost certainly concerned only with Italian cases, and the 'enemy' must, therefore, be domestic. In his view the loss fell on the landlord if 'the army in passing by carried something off in a frolic (!)'. Somewhat later, Labeo (who probably had in mind wars of the 40s) put the case that the tenant fled on the mere approach of the enemy; the soldiers were then quartered in his house, and removed the window-frames, etc. (no doubt for firewood); apparently it might have been the obligation of the tenant to stay and offer what resistance he could.[3] Such incidents were doubtless common in Italy of the late Republic.

For a generation after 70 Italy was not the scene of serious fighting. Catiline enjoyed support in almost every region, but the prompt action of Cicero prevented risings except in Etruria, and here the rebels were suppressed in a short campaign early in 62.[4] The speed of Caesar's advance early in 49, or rather by the Julian calendar in the autumn of 50, spared the country any more sufferings than were entailed by the conscription and perhaps by the quartering of legions on the civil population; Caesar was careful to restrain plundering,[5] though the unruly veterans on their return from Pharsalus could not be kept under control in his absence; Cicero was to speak in a diatribe against Antony, whom he held responsible, of 'in oppida militum crudelis et misera deductio'.[6] Many towns are said by Cicero to have been heavily burdened, perhaps by the winter-quartering of troops

[1] Cic. *de imp. Cn. Pomp.* 32 f.; Plut. *Pomp.* 24; Dio xxxvi. 22. See p. 109.

[2] *de imp. Cn. Pomp.* 38, 15. Cf. Dio xlvi. 54. 3 for Octavian's troops pillaging friendly country in 43. Cf. also *B. Afr.* 54 and p. 290 n. 2.

[3] *Dig.* xix. 2. 15. 2, 2. 13. 7.

[4] See, e.g., Cic. *Sest.* 12.

[5] Dio xli. 26; Caes. *BC* i. 21; *B. Afr.* 54; but cf. Cic. *Att.* ix. 19. 1.

[6] Cic. *Phil.* ii. 62, cf. *B. Afr.* 54; Cic. *Att.* xi. 21. 2; 22. 2; Plut. *Caes.* 51; Dio xlii. 52 ff.

in 47–46.[1] But Italy did not escape so easily in the disorder and wars that followed Caesar's death.

Describing Antony's march from Brundisium to Cisalpine Gaul, Cicero recounted how 'he emptied the storehouses, slaughtered the herds of cattle and every kind of beast he laid hands on; the soldiers feasted . . . the fields were laid waste, the villas ransacked, matrons, virgins, and free-born boys were carried off and made over to the troops.'[2] Cisalpine Gaul was mainly hostile, and we can well believe that Antony ravaged it, for he had to obtain supplies for his army. Parma was sacked,[3] and Mutina stood a long siege, which left Decimus Brutus' legions half-famished, though they must have got most of the food available (p. 286 n. 3). The distress caused by the *bellum Mutinense* was largely concentrated in Aemilia, but in the winter of 43/2 the triumvirs quartered their legions throughout the towns and country districts of Italy; we are told that the civil population was required to support the troops and that they were free to pillage as they pleased.[4]

Conditions were even worse when Octavian returned to settle the veterans after Philippi. He and his officers were quite unable to maintain discipline. Sextus Pompey controlled the seas and was cutting off imports of grain. The fields were often left unsown, partly perhaps because so many of the labourers had been conscribed for the army, partly because farmers, fearing confiscation, were careless to sow what others might reap. With pardonable exaggeration, Appian says that any food produced was consumed by the troops.[5] The distress encouraged Lucius Antonius to seek political advantage for himself and his brother; war again resulted. The picture painted in Appian's detailed account is one of extreme confusion. He says that almost the whole of Italy rose against Octavian and the veterans.[6] We must imagine a total breakdown of order, with minor hostilities occurring in almost every part of the country. It is noteworthy that Strabo thought that the Sabine towns had been brought low by the continued wars, though no campaigning is recorded in their country.[7] At Perusia Lucius Antonius inclined to peace partly from pity at the sufferings of the 'perishing multitude', but his unconditional surrender preserved the lives of his men, and his own; he made no terms for the town. Octavian ordered that it should be sacked, and it was burned down by a fire started by one of the desperate citizens. It was not indeed, as Appian supposed, the end of the great city, which was to rise again. But the 'Perusina fames', described for us in grim detail, remained famous.[8] Sentinum too was sacked, and

[1] *Fam.* xiii. 7. 2.
[2] *Phil.* iii. 31, cf. v. 25; vii. 15, 26.
[3] *Fam.* x. 33. 4; xi. 13 b; hence in Antony's power, xii. 5. 2. Cf. perhaps Dio xlvi. 38. 4.
[4] Dio xlvii. 14.
[5] App. *BC* v. 14 f., 17 f.; for famine see also 22, 25, 34; it persisted in 39, v. 67, and thereafter, 77, 92, 99, until Sextus' ruin in 36. Cf. Vell. ii. 77; Dio xlviii. 7. 4, 31. 1 (40).
[6] App. *BC* v. 27, for Campania cf. Vell. ii. 75.
[7] Strabo v. 3. 1.
[8] App. *BC* v. 35 ff.; Lucan i. 41.

Nursia capitulated after a siege.[1] It was about this time that Sallust wrote his *Jugurthine War*; he noted that civil strife 'eo vecordiae processit ut studiis civilibus bellum atque vastitas Italiae finem faceret'. 'Vastitas Italiae': it had become a stock phrase,[2] for since Sulla it was what all men feared, the rich because they lost property, the poor because they went hungry. It was from this that Cicero often claimed to have preserved the land against Catiline (p. 289 n. 4); it was this that he feared as a result of the return of the Pompeian army in 49, a fear that all surely shared and that did much to reconcile men to Caesar, who could save Italy from devastation.[3] In 44–40 the sufferings of the 80s were repeated, though doubtless not on the same scale.

Even the pact of Brundisium did not bring full relief. Famine persisted, so long as Sextus was hostile and controlled the seas (p. 290 n. 5). The shores of Italy were also open to his raids. The treaty of Misenum, forced on the triumvirs by popular pressure, proved to be a short armistice, and the concentration of troops in south Italy and other preparations for the conquest of Sicily must in themselves have brought new burdens to the civil population. The victory over Sextus in 36 at last enabled Octavian to claim with justice that he had restored peace, long disturbed, by land and sea.[4]

Cicero observed that if Catiline had not been so promptly crushed in the winter he could have seized the *calles*, the cattle-paths or *tratturi* of the Apennines, and the hutments of the shepherds, and would not have been destroyed without great bloodshed and the devastation of the whole peninsula (p. 289 n. 4). However, it is not likely that all Catiline's sympathizers or all the men who had fought for the Marians, for Lepidus, and for Spartacus were successfully rounded up by a government that had no troops permanently at its disposal nor even a police force. Such desperate men could take to the hills and live by depredations. It is notorious that the senate decreed as a province for Caesar and Bibulus in 59 'silvas callesque'.[5] No one will doubt that the motive of this measure was to frustrate Caesar's ambitions; but its overt justification must have been different, especially as the provinces had to be allocated before the consuls were elected. The justification was surely the persistence of brigandage in the highlands; the consuls were to carry out the task which still had to be undertaken in 36. Then at last Octavian [appointed Sabinus, perhaps a consular], to put down the bands of brigands who infested Italy and Rome itself.[6]

[1] Dio xlviii. 13.

[2] *BJ* 5. 2; other texts assembled by Tyrrell and Purser on *Fam.* x. 33. 1.

[3] e.g., Cic. *Att.* viii. 13, 16; ix. 7. 3; cf. Caesar's propaganda, *BC* iii. 57. 4; 'quietem Italiae'.

[4] App. *BC* v. 130.

[5] Suet. *Caes.* 19. 2. Cf. Tac. *Ann.* iv. 27.

[6] [App. *BC* v. 132. The identity of Sabinus with Calvisius Sabinus, *cos.* 39, is dubious, cf. H. Bellen, *Stud. zur Sklavenflucht*, 1971, 95.]

The depredations of armies and brigands affected persons as well as property. Marcus Aurius, a young man of high rank at Larinum, was taken prisoner at Asculum in 89 and put away as a slave by a Roman senator in an 'ergastulum' in the Ager Gallicus. Aulus Cluentius bought a woman at the sales of confiscated property effected by Sulla; she turned out to be the wife of a Samnite named Ceius, and he restored her.[1] It is by chance that we hear of these incidents, and it was also by chance that they were discovered. Once a free man had been carried off to a distant 'ergastulum' to work there as a slave, it cannot have been often that he could be traced and his freedom vindicated. The praetor gave an interdict commanding anyone detaining 'dolo malo' free persons not in his *potestas*, to produce them; we do not know when this was first devised, but it would fit conditions in the period of the late Republic, and it attracted comment from Trebatius and Labeo, in fact the only previous jurists cited by Ulpian and Venuleius. It was available only against persons who acted in the knowledge that the detainee was free (without such knowledge there was no 'dolus malus'), not against the man 'qui liberum hominem pro servo bona fide emerit et retineat' (Trebatius). You might then seize a free person and sell him to some one who asked no inconvenient questions and held him 'in good faith'.[2] The texts that concern the 'liber homo bona fide serviens' are numerous enough to show that the condition was not uncommon; the term 'bona fide' refers to the mind of the master, not that of the putative slave; he naturally knew his true status, unless he had been exposed, sold, or kidnapped in infancy, but he might not have the chance even to set the facts before the master; if he were working in a rural chain-gang, and the owner seldom or never visited his estate, or did not listen to the complaints of the slaves, his pleas would not go beyond the ears of the bailiff, perhaps the very man who had bought him and would be concerned not to let the master know that money had been wasted in the purchase. Moreover, he could not make his own claim in the court; he had to find an *adsertor libertatis* to act on his behalf; and if he had been removed to a district far distant from his home, it would be hard for him to communicate with his kin or friends, the only persons likely to be ready to take up his case; and the detainer's identity might never be discovered.[3] Marcus Aurius had been removed in this way, and his plight was revealed; but he belonged to the ruling class of Larinum; the prospects of a humble commoner must have been less favourable.

Mommsen was surely right in dating the Lex Fabia which imposed a fine for kidnapping to the period of disorder which followed the Social war.[4]

[1] Cic. *Cluent.* 21, 162. For a parallel from 43/2, App. *BC* iv. 30.

[2] *Dig.* xliii. 29, esp. 4. 1.

[3] Crook, 58 f. Columella urged masters to visit their estates and hear the complaints of the slaves (i. 8. 18); but many absentee owners will seldom if ever have done so.

[4] *Strafr.* 780 ff., cf. Cic. *Rab. perd.* 8 (the earliest reference); *Coll.* xiv. 2 f. Crook 60 conjectures that the law was 'originally and primarily intended to cover slaves'.

It penalized the seizure of other people's slaves and also of Roman citizens, including freedmen liberated in Italy. As it did not cover the seizure of Latins and other allies, it should belong to the time when there were no free persons of these categories living in Italy. Moreover, it can then be linked with various other attempts made in the late Republic to repress violence (Appendix 8). In this case, as in the others, the insuperable difficulty, in the absence of a police force, was that of enforcement. A fine was no deterrent, when there was little chance of detection or conviction. Once again, it was Augustus who made some provision for effectively checking the evil that a statute could not check. Suetonius says that

> many practices most pernicious to the state had survived from the habitual disorder of civil wars or had grown up even in peace. For instance, numerous bands of highwaymen went round openly equipped with weapons, on the plea that they needed them for self-defence, and seized travellers in the country, free men and slaves, who were then kept concealed in the *ergastula* of the great estates. . . . Augustus stationed soldiers at suitable points and thereby checked the highwaymen; and he inspected the *ergastula*.

[It is not clear if Sabinus performed this latter task in 36 (p. 291).] If he did, the work had to be done again in the 20s under the nominal charge of the young Tiberius, who 'investigated the *ergastula* throughout Italy; their owners had incurred the hateful reputation of seizing and concealing not only travellers but men whom fear of conscription had forced into such hiding places.'[1]

[1] [Suet. *Aug.* 32. 1; *Tib.* 8, cf. Vell. ii. 126. 3. Tiberius 'stationes militum per Italiam solito frequentiores disposuit' (Suet. *Tib.* 37. 1). Berger, *RE* Suppl. vii. 386 ff. and Bellen (cited 291 n. 6), 45 f. prefer a second-century date for the lex Fabia, but on inconclusive grounds. Berger urges against Crook's view (292 n. 4) that as there were other remedies available to slaveholders against the kidnapping of slaves, it was originally designed for the protection of free men; but if this be so, the law is most likely to belong to the disturbed conditions after 90. In the Principate it does seem to have been chiefly a means of controlling the flight or theft of slaves. Bellen 95 ff. gives further evidence for repression of brigandage etc. in Italy. Cf. p. 308 with n. 4–5.]

XIX

LAND ALLOTMENTS IN ITALY IN THE FIRST CENTURY B.C.

(i) *The Problem*

J. KROMAYER argued that by giving allotments to veterans the generals of the first century did more to revive the peasant class than the Gracchi.[1] If this contention is correct, these allotments might have counteracted any adverse demographic effects which the previous decline of the peasantry had caused. Rostovtzeff indeed thought that many of the settlers were *rentiers*;[2] if that were true, though their settlement did not amount to an increase in the number of farmers who cultivated their lands with their own labour and that of their family, it would still have tended to raise the birth-rate in a middle class. By contrast, Frank held that though Sulla, the triumvirs, and Augustus broke up large estates, the small allotments they made did not long remain intact or do more than temporarily check the tendency to the concentration of property.[3] I propose to estimate the number of men settled on the land between 80 B.C. and A.D. 14 and the extent to which their settlement did in fact represent an increase in the number of small holdings, immediate or long-lasting. Here, as usual, we cannot hope for statistics nor go further than sharpening our impressions of what occurred.

(ii) *Modes of Settlement*

Land allotments for veterans took various forms. Tacitus looked back to the time when whole legions were settled together with their tribunes and centurions and colonies were united by *esprit de corps*, and Hyginus too recalls how legions were settled with their standards, eagle, chief centurions, and tribunes, each soldier receiving a portion of land appropriate in size to his rank.[4] Inscriptions suggest that this was the practice of the triumvirs and of Augustus;[5] very probably it was also that of Sulla.

[1] *Neue Jahrb. f. klass. Altertum* xvii, 1914, 145 ff.

[2] *Soc. and Ec. Hist. of Roman Empire*, i². 32 f.

[3] *ESAR* i. 221, 321 f.; v. 169. More recently, M. A. Maschkin, *Zwischen Rep. u. Kaiserreich*, 1954, 451 f., has held that the effect of veteran settlements was to increase small and middling properties for a time.

[4] *Annals* xiv. 27. 3; Hyg. 176. 11. (I quote the *Gromatici* throughout by Lachmann's pagination, all from Hyginus, unless otherwise stated. No references are given for matters discussed fully in the following sections.)

[5] *ILS* 887, 2235 with note; cf. sections (vi) and (vii). However, the fact that a colony is described in its title as composed of a certain legion, e.g. Baeterrae Septimanorum, does

Certainly Sulla, the triumvirs, and Augustus all founded military colonies, in which a substantial group of veterans were given lands in a single place, where they could afford each other mutual support. We may then first consider the mode of founding colonies, ignoring technical details.

Colonies could be founded either on new or on old sites. As Hyginus says of Augustus: 'milites colonos fecit, alios in Italia, alios in provinciis: quibusdam deletis hostium civitatibus novas urbes constituit, quosdam in veteribus deduxit et colonos nominavit.'[1] In Italy, however, if we except border regions in the north,[2] only old sites were available. The foundation of military colonies therefore involved the conversion of *municipia* into colonies, or the dispatch of new settlers to old colonies, like Minturnae.[3]

When an already existing town was selected for a new colony, it might be found that its territory was not large enough to accommodate all the men to be settled. It was then sometimes decided to take away territory from an adjoining town and assign it to the colonists. Jurisdiction over the lands thus assigned belonged to the colony.[4] It was in this way that the triumvirs took Mantuan lands, endangering the possessions of Virgil, to give them to the new colony of Cremona.[5] A city might even lose the whole of its territory and remain an enclave within the territory of the colony, deprived of jurisdiction outside its own walls. Caudium, the Ligures Baebiani, and probably the Ligures Corneliani were enclaves in the territory of Beneventum.[6]

The land of a colony was partly 'ager divisus assignatus'.[7] The colonists each received a 'modus'. The size of this 'modus' was determined by the quality of the land, so that it varied from one place to another, and by the rank of the recipient; where the common soldier received (let us say) 20 *iugera*, others might get 30 or 40, or probably more.[8] As early as 181, centurions at Aquileia received 100 *iugera* to the 50 of *pedites*, and *equites* were given 140.[9] Portions were allocated by lot.[10] The *deductor* had to

not imply that the whole legion was settled there, nor that there were no other colonists, cf. p. 260.

[1] 177. 11.

[2] e.g. Augusta Praetoria in the territory of the Salassi.

[3] 177. 13–178. 9, 203. 7.

[4] [118. 9–120. 6; *contra* Rudorff, *Grom. Veteres*, ii. 388 n. 417 the limitation of a colony's jurisdiction to lands assigned to veterans under a formula common in charters and found in Augustan edicts applies only to such lands 'in alieno territorio';] there can be no doubt of its jurisdiction over 'agri redditi', which indeed Hyginus 117. 12 includes in the category of 'divisi et adsignati agri'. See also Sic. Fl. 159. 26–160. 14, 164. 3 ff.; Hyg. 179. 7.

[5] Probus 5–6 K.

[6] P. Veyne, *Latomus* xviii, 1959, 568 ff., but cf. p. 279 n. 4.

[7] 117. 12, cf. Mommsen, *Grom. Veteres* ii. 153 (*GS* v. 153); [Keppie (p. 84 n. 4) ch. 4].

[8] Hyg. 114. 1, 176. 9 Sic. Fl. 156. 7 ff.; *Lib. Col.* 211. 4, 216. 11, 222. 12, 262. 6 ('pro aestimio ubertatis'), 232. 2 ('pro merito') cf. 232. 12, 20 ff.; 235. 18.

[9] Livy xl. 34. 2 f. At Copia and Vibo *equites* had received 40 *iugera*, *pedites* 20, at Bononia 70, *pedites* 50 (xxxv. 9. 8, 40. 5; xxxvii. 57. 8).

[10] e.g. 113. 1 ff. [Keppie (op. cit.) gives further evidence on size of allotments.]

determine the size of the allotments by dividing the available land among the authorized recipients. Thus, if there were 3 recipients per century of 200 *iugera*, each man would get 66⅔ *iugera*. There is no implication in this example given by Hyginus (as I once thought) that any colonists at a particular time, e.g. veterans of V Alaudae in the triumviral period, actually received this particular amount of land.[1] Still less does Hyginus in another passage mean that colonists in his knowledge ever received as little as 2 *iugera*;[2] he says that 'we have read' that such allotments were once made, and this is no more than one of many references to what the ancients believed had once been the *heredium* of a Roman citizen; if the belief was well grounded, it must be supposed that most property was in the ownership of *gens* or *familia*, and that the individual was allowed only a small portion of garden land for himself. The fact that when land was measured and delimited it was divided into centuries of varying sizes is also irrelevant to the size of allotments, as more or fewer allotments could be made within a single century.[3] In the *Gromatici* there is no evidence of the actual size of individual portions, except for Hyginus' remark that an area of 200 *iugera* or more had sometimes been distributed into portions of 50 *iugera* by order of emperors and for the statement in the unreliable *Liber Coloniarum* that soldiers settled at Volaterrae received 25, 35, 50 or 60 *iugera*.[4] Volaterrae is never attested as a colony; if it remained a *municipium*,[5] this statement can only have any basis in fact, if soldiers were given viritane allotments there.[6] The variations alleged in the size of farms can of course be explained by the assumption that there were corresponding differences in the quality of the soil or in the rank of the colonists, and not merely by the varying liberality of the founders.

The procedure described meant that before division the land had to be carefully surveyed. This explains why the foundation of a colony in the early second century took three years. The assignation of lands in Gracchan and later times must also have been a prolonged business (pp. 79 f.). The settlement of Caesar's veterans began in 46 and was not yet complete in March 44.[7]

Hyginus says that Augustus provided that land should be assigned QUA FALX ET ARATER IERIT. 'Some think', he adds, 'that this relates only to cultivated land, but in my view the words mean that the land assigned should be productive.' The *forma* of the land-survey distinguished 'loca culta et

[1] 199. 11–201. 6 (*contra AL* 83).
[2] 110. 4 ff.; 'legimus' is supplied.
[3] 170. 17 ff., cf. 30. 18, 159. 9 (*contra* Pais, *Colonizzazione* 338).
[4] 110. 8 ff., 214. 10 ff.
[5] Cic. *Fam.* xiii. 4 calls Volaterrae a *municipium*, and later it had *quattuorviri*, but that does not necessarily mean that it remained a *municipium*, cf. A. Degrassi, *Scritti Vari di antichità*, Roma, 1962, i, 102 ff.
[6] Section (v).
[7] 203. 14 ff., cf. 201. 8, 246. 19.

inculta';[1] on Hyginus' interpretation the former presumably embraced all *cultivable* land. Cicero gibed at Rullus because his bill provided for the purchase and distribution of any land in Italy QUI ARARI AUT COLI POSSIT, as if there were any land so lean that it could not be scratched by the plough or so stony that it could not be cultivated by great effort.[2] But Rullus' wording may only have made explicit the usual practice, and that which Sulla had followed; his allotments probably provided the pattern Rullus had in mind. Hyginus holds that Augustus' rule did prohibit the assignation of nothing but woodland or pasture to an individual, but that he could properly be assigned some such land, provided that the greater part of his allotment was under cultivation.[3] It may be that we have here the clue to the charges that soldiers were given arid, pestilential, marshy, or stony lands. If Hyginus is right, some part, the smaller part, of their allotments could properly consist of such lands, which might be reclaimed; but it is obviously possible that soldiers were at times given very little else. In general land not suited for cultivation was to be granted to the colony itself or to its *ordo*, to be exploited for the account of the whole community, or as *compascua* for common enjoyment by the possessors of the neighbouring farms.[4]

As in theory at least the greater part of the lands assigned were under cultivation, their assignation was at the expense of the previous cultivators.[5] That did not in itself mean that the former cultivators were actually displaced. If they were free men who worked the lands as owners, *possessores* (of *ager publicus*), tenants, or labourers, they might have continued to do so as tenants or labourers of the *coloni*. This possibility can only have been a reality in cases where the *coloni* were sufficiently affluent to let their allotments and live on the rents or to employ hired labour. Even then they might have preferred to employ slaves. Centurions and some other veterans, who had been enriched from booty and donatives, may have been in a position to live at leisure themselves and leave the working of their farms to others; the majority of settlers can hardly have been placed so favourably, unless they received allotments larger than the mere subsistence of a family required. Unfortunately we are not normally informed on the size of allotments; I think it unlikely that they were generally so large.

When old owners were expropriated they might, or might not, receive compensation. 'In many places', says Hyginus, 'the founders of colonies purchased the whole area, in many they deprived undeserving persons of the possession of their estates.'[6] Rullus' bill provided for purchase at sellers' prices, Caesar's in 59 at census-valuations, while Augustus (whose claim to have been the first and only man to pay compensation means of course that he was the first to pay it from resources which he could regard as private)

[1] 112. 25.
[2] 203. 19 ff.
[3] Sic. Fl. 155. 3 ff.; 160. 25 ff., 161. 6.
[4] *leg. agr.* ii. 67.
[5] 197. 20–198. 6, 201. 13 ff.
[6] 203. 10 ff.

bought land 'secundum reditus'; how many years' purchase he allowed is not known.[1] Rullus intended that lands should be acquired only from owners willing to sell with no limitation on price (p. 313); but on occasions the owners received money 'secundum aestimationem' and were expelled.[2]

It was not always, if ever, thought necessary to expel them all. Siculus Flaccus observes: 'lands were not taken away from all the conquered enemies; there were some whose rank, influence, or friendship induced the victorious leader to grant (*concedere*) them their own lands.'[3] He was clearly thinking of colonies founded in conquered territory outside Italy, but within Italy, where the old inhabitants were not 'hostes', and might yet be expelled, we find the same practice. In Sullan and triumviral colonies and in Capua, which received colonial status under Caesar's law of 59, some at least of the old inhabitants lived side by side with the new settlers. They were certainly not all men of rank or influence, but we may well believe that local notables who had powerful friends or patrons among the victorious faction could often get special terms for themselves. Siculus says that 'sometimes we find complete centuries (i.e. often 200 *iugera*), or two or more such centuries, restored without a break to a single person'; the survey or *forma* indicated this with the note REDDITUM SUUM, LATI FUNDI.[4] A fragment of a triumviral edict preserved in the *Liber Coloniarum* refers to the restoration to some persons of estates 'antiquis finibus', undiminished in extent.[5] Virgil benefited in this way, and a late writer alleges that his lands would have sufficed for 60 veterans.[6]

Siculus Flaccus refers to 'EXCEPTA, quae aut sibi reservavit auctor divisionis et assignationis aut alii concessit'. The 'excepted' land, as a figure in the *Gromatici* shows, was not part of the surveyed and divided land, but an enclave within it. According to Hyginus there was a distinction in Augustus' time between 'fundi excepti' and 'fundi concessi'.[7] The former owed no *munera* to the colony; the latter were in the colony's jurisdiction. The rest of the passage is obscure to me, but it appears that owners of some such *fundi* were permitted to hold more land than the recipients of allotments.[8] We have seen that this was certainly true of the owners of some 'agri concessi'. It looks as if the distinction between 'fundi excepti' and 'fundi

[1] 197. 17.

[2] Sic. Fl. 160. 25 ff. For the *praefenio* of the old owners see the fragment of a triumviral edict in *Lib. Col.* 246. 11 ff.

[3] 155. 6 ff., cf. Hyg. 203. 12 f. for 'gratia'. Note Cicero's special plea for a Caesarian senator with holdings at Volaterrae (*Fam.* xiii. 5) after (I take it) his general plea for the Volaterrani had perhaps proved ineffective (ibid. 4).

[4] Sic. Fl. 157. 3 ff. [5] 246. 11 ff. [6] See p. 295 n. 7.

[7] 157. 7, 197. 7 ff. with figures 184–5.

[8] 197. 13: 'concessi sunt fundi ei quibus est indultum, cum possidere uni cuique plus quam edictum continebat non liceret. quem admodum ergo eorum veterum possessorum relicta portio ad ius coloniae revocatur, sic eorum quibus plus possidere permissum est: omnium enim fundos secundum reditus coemit (sc. Augustus) et militi adsignavit.'

concessi' was not long maintained, and that the former also came within the jurisdiction of the colony. It is interesting that the 'auctor divisionis', e.g. Sulla or Augustus, could retain some land himself as 'excepta'. Presumably, he could also grant such land to some person other than the old possessor. On the other hand the use of the abbreviation CVP to denote 'concessum veteri possessori' suggests that usually land granted was restored to the former owner.[1] For the most part, then, there is no real distinction between 'agri concessi' and 'agri redditi', another term in constant use.[2]

We also hear in colonies of 'ager redditus commutatus'.[3] The former owners had to declare the value of their property. In so far as they were permitted to keep any land, they did not necessarily receive back their former land; they might be required to exchange it for a parcel of equivalent value elsewhere. If they had had parcels of land in different parts of the territory, acquired by inheritance, dowry, or purchase, it was of some benefit to them perhaps that their holdings could be consolidated by this process, although of course they might also have to forfeit some part of their holdings. But the real purpose of *commutatio* must have been to ensure that the colonists themselves were settled on blocks of the territory, not divided by the old inhabitants, but able to render each other mutual succour in case of attack. In a place like Arretium where ultimately there seem to have been three groups of inhabitants, the original Arretines and Sullan and triumviral colonists (p. 306), each probably enjoyed contiguous possession in one part of the colony's territory.

In many colonies, according to Hyginus, there was more land than was required for assignation, and it was then used for common pasturage by the nearest possessors.[4] The *subseciva*, lands not included within the survey, though sometimes not suitable for cultivation, were often in part cultivable, and if not granted to the colony to exploit, could be used for later assignations.[5]

In the late Republic, when wars were frequent, veterans who had received allotments might return to the standards. The survivors could naturally resume possession of their farms, but it seems that if they died, presumably without heirs, the lands they had owned were treated as available for new grants. Siculus Flaccus, who tells us this, refers specifically to the

[1] 203. 13, cf. Valerius Probus, *FIRA* iii. 455. 14.

[2] In 202. 12 we have the classification: 'data, adsignata, concessa, excepta, reddita commutata pro suo, reddita veteri possessori'. 'Concessa' could differ from 'reddita veteri possessori', only in so far as the former might have been granted to newcomers; such grants would differ from 'data, adsignata', if they were made *extra sortem* and embraced an acreage larger than the edict fixed for *sortes*. In Rullus' bill 'concessa' presumably comprised 'reddita' (*leg. agr.* iii. 7).

[3] Sic. Fl. 155. 15 ff., 156. 20 ff., cf. last note. See also lex agraria (*FIRA* i, no. 8). 4 (*i*), 27. 79–82, and see p. 80.

[4] 201. 13 ff.

[5] 202. 5 ff.

lands assigned by Caesar. It is implied that *bona vacantia* were already regarded as the property of the state.[1]

So much for colonies. It was not the invariable practice to settle veterans in colonies. Caesar's law in 59 provided that grants should be made to them on *ager publicus* and on lands bought from willing sellers. In the main the recipients must have been widely scattered. As dictator, Caesar seems in general to have followed the same policy. Augustus speaks of sending some soldiers back to their *municipia*, and we are not bound to assume that these men were invariably given gratuities in cash rather than allotments of land.[2] Although Sulla, the triumvirs, and Augustus himself were great founders of colonies, it would be natural to suppose that they also distributed lands to some of their soldiers in their home towns. For family and sentimental reasons many soldiers must have wished to return home; moreover not all were landless or without expectations of an inheritance, and what these men must have wanted was an accretion to their property. The *Liber Coloniarum* often refers to distributions of land made in this period within the territory of towns which did not become colonies, at any rate before the death of Augustus, and such statements may (as Pais held) often be based on the fact that viritane grants were made in *municipia*, either from *ager publicus*, or from municipally owned land, or from land purchased (whether or not by compulsion), or from land sequestered (as in the Sullan and triumviral periods).[3] The *Liber* incorrectly describes many *municipia* as colonies. The explanation may be that there were settlers in such towns who were officially termed *coloni*; Cicero quotes a clause from Rullus' agrarian bill of 63: 'quae in municipia quasque in colonias Xviri velint, deducant colonos quos velint et eis agros adsignent quibus in locis velint'; it is not clear that all the places where they were to settle would have been restyled *coloniae*.[4]

(iii) *The Sullan Allotments*

According to the epitomator of Livy, after marching on Rome in 88, Sulla 'colonias deduxit'.[5] It is inconceivable that any colonies were founded at this time, given the disturbed conditions; and Sulla of course needed his own army for the war in the east. But Livy's account of the late Republic was surely well informed. Muddled and unreliable as the epitomator so often is, he must have found something in the text of Livy which he misinterpreted, and we may suppose that Sulla passed a law under which provision was made for settling veterans who had fought in the Social war, as soon as the military situation permitted their discharge. The heavy casualties and widespread devastations created a special social need, and the lands of rebels who were now *dediticii* and had not yet received the Roman

[1] 162. 9 ff., cf. p. 320 n. 1.
[2] *Res Gestae* 3. 3.
[3] Pais, *Colonizzazione* 353 f.
[4] *leg. agr.* i. 17; ii. 75, cf. p. 308.
[5] *Per.* Livy lxxvii.

citizenship, or who were still in arms, could be marked for redistribution. Indeed the foundation of colonies in their territory could be represented, or regarded, as purely traditional: they would be *propugnacula imperii*. At the same time Sulla's own motive may already have been the desire to cement the affections of the soldiers to himself and the class he championed.

From the moment of his outlawry to that of his final victory Sulla, like commanders in later civil wars, was dependent on the loyalty of his troops to himself as a person and not as the legally appointed representative of the majesty of Rome. The common soldiers, but not their officers, were ready to march on Rome in 88 because even then he aroused high expectations of his bounty, if they were to be under his command in the Mithridatic war.[1] In the east he relaxed discipline and lavishly rewarded his soldiers.[2] On his return to Italy, he recruited more troops partly by donatives and promises.[3] No doubt land was promised both to the veterans and the new recruits. The promises had to be redeemed; dominance built on the personal loyalty of the soldiers might have crumbled, if they had been left dissatisfied. Sulla looked to the future as well as to the past. His veterans settled on the land were to be garrisons holding down Italy, to assure his personal safety and, he must also have hoped, the durability of his regime. This objective determined the character of the Sullan allotments. Like Rullus in Cicero's estimation, Sulla intended 'totam Italiam suis praesidiis obsidere atque occupare'. It was therefore necessary that for the most part the veterans should be concentrated in colonies, where they could easily be mobilized and would afford each other mutual protection.[4]

What land was available for this purpose? The fighting since 90 must have left many farms vacant without an heir. *Bona vacantia* probably belonged to the Roman state.[5] But such lands were inevitably scattered.

Sulla proscribed large numbers of his opponents. Confiscation attended proscription. In addition, the estates of Marians who had died fighting before the proscriptions were to be sequestered and sold.[6] What sort of people suffered confiscation as individuals, and what happened to their property?

Appian says that Sulla proscribed about 40 senators and 1,600 *equites*; later he added the names of other senators. Other sources confirm the

[1] App. *BC* i. 57.

[2] Sall. *Cat.* 11; Plutarch, *Sulla* 6. 8 f., 12. 7 ff. (cf. App. *BC* v. 17), 25. 2. Plutarch perhaps derived from Sallust. Sallust's view of Sulla is in my view not biased, and was widely shared, cf. R. Syme, *Sallust*, 1964, 123 f., 177, 181.

[3] App. *BC* i. 86.

[4] Ibid. 96. 104, cf. Cic. *leg. agr.* i. 17; ii. 75; the allegations against Rullus were plausible, precisely because they corresponded with men's experience of the Sullan colonies.

[5] Ulpian 28. 7; Gaius ii. 150 attest this under the provisions of a lex Iulia, but the principle need not be novel. It is supposed that in early times the *gentiles* inherited in default of other heirs; but in the late Republic there would often be no *gentiles*. Cf. p. 299.

[6] Cic. *Rosc. Amer.* 126, Plut. *Sulla* 31. 4.

existence of more than one proscription list. Gabba supposes that Appian's figure for *equites* represents the full number of the proscribed in that class; it is so high that he seems likely to be right.[1] Valerius Maximus gives 4,700 as a total for all proscribed; this figure, which may be correct, clearly includes men below equestrian rank.[2] However, except in such massacres of prisoners as occurred after the battle of the Colline gate, Sulla did not seek to punish all Marians as such. Had he done so, the total would have reached six figures. It was men of note who suffered, and throughout Italy;[3] even in distant Bruttium, remote from the fighting, Crassus, it is said, executed a man on his own authority.[4] Appian says that it was an offence to have subscribed money to the Marians (as many must have done under *force majeure*); or to have shown them friendship or hospitality or to have lent to or borrowed from them;[5] it may be that in the last point he has somewhat exaggerated, and that the real offence was only to have harboured or had business dealings with those already proscribed.[6] Clearly the persons affected under such clauses were men of property, and so it could be alleged, probably with truth, that there was a 'proscriptio innoxiorum ob divitias'.[7] Plutarch says that more were butchered for their property than for political or private grudges;[8] the mention of the last factor is also significant; we can readily believe that influential partisans of Sulla were able to get private enemies removed, but these enemies would also be persons of rank, at least in their home towns. Orosius asserts that some were killed first and proscribed afterwards;[9] this is precisely what Cicero alleges to have been the fate of Sextus Roscius.[10] What Cicero tells of Oppianicus' securing the proscription of his personal enemies at Larinum, even if not true, was evidently plausible;[11] it was the kind of occurrence which people knew or believed to have been common in the 'Sullan calamity'. The victims of private feuds would also have been rich; S. Roscius was 'nobilitate et pecunia non modo sui municipi verum etiam eius vicinitatis facile primus' (though Cicero does not style him an *eques Romanus*); he owned 13 farms adjacent to the Tiber.[12] Oppianicus' victims were among the leading men of Larinum; Oppianicus seems to have acquired the property of one at least, A. Aurius Melinus.[13] We may then conclude that all the proscribed

[1] App. *BC* i. 95. 442; Gabba, ad loc., cites other sources.
[2] ix. 2. 1.
[3] App. *BC* i. 96 with Gabba's notes; Plut. *Sulla* 31. 5; *Per.* Livy lxxxvii.
[4] Plut. *Crass.* 6. 7. Sulla heard of this and did not approve; he did not wish to accept responsibility for crimes not his own, as Cicero saw in distinguishing the misdeeds of Chrysogonus from those of his patron in *Rosc. Amer.*
[5] App. *BC* i. 96. 446.
[6] Plut. *Sulla* 31. 4.
[7] Sall. *Or. Lep.* 17, cf. App. *BC* i. 96. 446; Cic. *Rosc. Amer.* 16, 80; *Parad.* 46; Plut. *Sulla* 31; *Crassus* 6.
[8] *Sulla* 31. 5, cf. the stories of Aurelius in 31. 6 and of Lollius in Oros. v. 21. 4; Vell ii. 28. 4 refers to proscription of *inuentes*.
[9] v. 21. 5.
[10] *Rosc. Amer.* 15 ff.
[11] *Cluent.* 25, cf. Suet. *Gramm.* 9.
[12] *Rosc. Amer.* 15, 20.
[13] *Cluent.* 188.

were men of rank and affluence, even though only a minority were senators and *equites*.

This is of course the basis of Kromayer's view that Sulla took land away from the rich to give it to the poor. But what happened to the confiscated estates? There is nothing in the sources to suggest that they went to the veterans.

Instead, we hear that they were sold—by Sulla in person.[1] Moreover Sulla openly said that he was disposing of his own booty,[2] and in the sales he was reckless of the interest of the treasury. Great estates were thus purchased at knock-down prices by his partisans, whom it was his deliberate purpose to enrich.[3] Sometimes the money due was not exacted; Lepidus is made by Sallust to boast that *he* had actually paid the price;[4] there was more than one *senatus consultum* in the 70s requiring sums remitted by Sulla to be paid,[5] and in 72 the consul, Cn. Lentulus, published a bill to that effect;[6] we do not know if it was passed, or implemented. We also hear of gifts of land;[7] this may be a compendious way of indicating that purchasers obtained lands at knock-down prices or without having to make the payments nominally prescribed. Other lands, again, were neither sold nor distributed to colonists but simply occupied. Cicero alleges that C. Valgius was thus in possession of the whole Ager Hirpinus.[8] As will be seen, lands of Sullan *possessores*, which remained the property of the state, were still available for distribution in 63 and as late as 43 (p. 325).

Thus, to an extent that cannot be measured, the confiscations of the property of the proscribed, which reduced some rich men to indigence,[9] substituted one set of *latifondisti* for another. Many of Sulla's partisans profited in this way. With Crassus in mind, Cicero speaks of 'proscriptionem locupletium, caedes municipiorum, illam Sullani temporis messem'; the success of Crassus in buying confiscated estates cheap or without making any payment at all was held to be the foundation of his immense wealth.[10]

[1] Sall. *Hist.* i. 49: 'venditis proscriptorum bonis aut dilargitis'; Vell. ii. 28. 4; Plut. *Sulla* 33. 2. See also Cic. *Rosc. Amer.* 124–8.

[2] Cic. *Verr.* ii. 3. 81; Sall. *Or. Lep.* 17.

[3] Plut. *Pomp.* 9. 1; *Crassus* 2 and 6: *Comp. Lys. et Sull.* 3. Cf. Cic. *leg. agr.* ii. 81: '(Sulla) omnia, quibus voluit, est dilargitus.' Earlier, Sulla's officers were often enriched by booty, cf. Plut. *Crassus* 6. 5 (sack of Tuder). Note too Cic. *Verr.* ii. 1. 38: '(Verri) praemia tamen liberaliter tribuit, bona quaedam proscriptorum in agro Beneventano diripienda concessit' (sc. before sale).

[4] *Or. Lep.* 18. [5] *Verr.* ii. 3. 81. [6] Sall. *Hist.* iv. 1.

[7] *Or. Lep.* 17, *Hist.* i. 49: Plut. *Crassus* 2 and 6.

[8] Cic. *leg. agr.* iii. 3, 8, 12 ff.; lands 'quos in agro Casinati optimos fructuosissimosque continuavit (Valgius), cum usque eo vicinos proscriberet quoad angulos conformando ex multis praediis unam fundi regionem formamque perfecerit, quos nunc cum aliquo metu tenet' (14) were also probably acquired as a result of the Sullan proscriptions.

[9] Seneca, *ep.* 47. 10: Gell. xv. 4 (keeping the manuscript reading 'Mariana', cf. E. Gabba, *Athen.* xxix, 1951, 209. 2).

[10] Cic. *Parad.* 46, Plut. *Crassus* 2. No doubt he also recovered his paternal property, valued at not more than 7,200,000 HS, a not inconsiderable sum.

Lepidus too was charged with being one of the Sullan profiteers.[1] Sulla's wife, Metella, is described as 'proscriptionum sectrix'; her purchases made the younger Scaurus, her son by an earlier marriage, enormously rich.[2] P. Cornelius Sulla,[3] L. Domitius Ahenobarbus *cos.* 54,[4] and Catiline, 'natus in patris egestate' (it was alleged) but certainly in 63 a large proprietor, however deeply indebted, benefited in the same way.[5] Sulla's freedman, Chrysogonus, was said to have bought Roscius' estates, valued at 6 million HS, for a mere 2,000.[6] Sallust makes Lepidus refer to the prodigality with which one L. Vettius, a Picentine who had probably once been on Pompeius Strabo's staff, and a scribe named Cornelius had squandered 'aliena bene parta'.[7] A Sullan centurion came to be worth 10 million HS,[8] and Sallust claims that common soldiers rose to the senate, or at least to affluence.[9] Naturally Sulla himself shared in the spoils, becoming the richest Roman of his day, though his youth had been spent in poverty.[10] As for his partisans, whose violence and greed Sallust castigates, 'neque prius finis iugulandi fuit quam Sulla omnis suos divitiis explevit.'[11] Some who had made the Sullan victory a source of plunder were to join Catiline in hope of new spoils.[12] In 49 the same expectations were aroused; it is in this context that Cicero represents Pompeians as saying to themselves: 'Sulla potuit: ego non potero?' He feared that even neutrals in the civil war, cities and individuals alike, could expect no mercy; whoever was the victor would act 'Sullano more exemploque'. In 44 he wrote 'nec vero umquam bellorum civilium semen et causa deerit, dum homines perditi hastam illam cruentam et meminerint et sperabunt.'[13] This legacy of insecurity and fear which Sulla left to Italy was more important than his ill-judged and ephemeral reforms.

Of course we must not assume that the estates of the proscribed were never distributed among soldiers in small lots, merely because they were used to enrich Sulla's leading partisans. It may be that not all Sulla's veterans were settled in colonies, that some desired to return to their own towns, where they already had lands, and that such men could be given holdings in those towns out of the estates of Marians. But in so far as Sulla

[1] *Or. Lep.* 18. He says that men had to take up confiscated lands out of fear.
[2] Pliny, *NH* xxxvi. 113–16.
[3] Cic. *Off.* ii. 29.
[4] Dio xli. 11. 1.
[5] *Comm. Pet.* 9, cf. Sall. *Cat.* 5. 1; 35. 3, 59. 3.
[6] Cic. *Rosc. Am.* 6.
[7] *Or. Lep.* 17, cf. on Vettius C. Cichorius, *Röm. Stud.* 162.
[8] Ascon. 90 C. (one of Sulla's executioners).
[9] *Cat.* 37. 6, but see R. Syme, *Roman Revolution*, 78.
[10] Pliny, *NH* xxxiii. 134; Crassus was the richest 'post Sullam', i.e. in the next generation. For Sulla's early life cf. Plut. *Sulla* 1.
[11] *Cat.* 51. 34 (cf. 11. 4, 16. 4, 21. 4).
[12] *Cat.* 21. 4; hopes of enrichment through new 'proscriptionem locupletium', 20. 14, 21. 2.
[13] *Att.* ix. 10. 2 (the words do not relate to ambitions for 'regnum'); 10. 6, 11. 3–4 (with Caesar, *BC* i. 4); x. 7. 1; *Off.* ii. 29.

preferred to found colonies and establish his soldiers in 'praesidia', he required larger blocks of land for the purpose than the often scattered estates of the proscribed could furnish. Like the triumvirs in 43, he had to mark out particular towns for colonial settlements. Naturally he selected towns which had taken the losing side. It is significant that Appian relates the settlement of the veterans not to the proscription of prominent individuals but to the punishments Sulla imposed on whole communities. In founding colonies Sulla certainly allowed some former owners to retain land,[1] and favoured magnates may have come off with little loss, as perhaps at Praeneste (p. 307 n. 1); but the process of *redditio* and *commutatio agrorum*, described in the last section, enabled him to give the veterans continuous allotments, so that they could be mobilized more rapidly for mutual protection or support of the regime.[2]

After describing how Sulla deprived hostile towns of walls and citadels and imposed fines on them, Appian says that 'in the majority he settled his soldiers, so that he might have strongholds to control Italy, and transferred their land and buildings to the men who received allotments'. In a subsequent passage he states that Sulla assigned much land in the cities to his veterans; some of it was *ager publicus* that had not yet been assigned, but in part it was confiscated from the cities as a punishment. Here Appian estimates the number of recipients as 120,000. This I take to be a paper figure for the complement of the 23 legions to whom lands were apportioned. Kromayer suggested 100,000, but in view of the probability that legions hastily raised in the civil war were never full, and of the heavy losses that must have been sustained, 80,000 is a more credible maximum, perhaps still too high. (Only 5 of the 23 legions had been with Sulla in the east, and they were probably exceptionally under strength.) It would have accorded with normal practice if the colonies were on average no more than 4,000 strong, and we might expect that there were about 20 Sullan colonies, perhaps 23, one for each legion.[3]

Few can be identified with certainty.[4] Colonies are expressly attested at Arretium,[5] Faesulae,[6] Pompeii,[7] and Praeneste.[8] We can see why three at

[1] Cic. *leg. agr.* iii. 7; for 'concessa' see p. 298. [2] *leg. agr.* ii. 75, cf. i. 17.

[3] *HC* i. 96, 100, 104, cf. ii. 94; in 140 Brutus is made to claim that Sulla and Caesar did not give the soldiers confiscated properties (sc. of the proscribed) but took lands from Italians who had done no wrong. On the number of Sulla's soldiers see Chapter XXIV, section (iii) with Appendix 27.

[4] Mommsen, *GS* v. 203 ff. and Pais, *Serie* ii. 352 ff., based on *Colonizzazione* (*passim*) where he virtually provides a commentary on the *Liber Coloniarum* and seeks to modify the adverse judgement of Mommsen, give rival lists; Beloch, *RG* 492 ff. and in comments on individual cities is also relevant.

[5] Cic. *Mur.* 49, on which Gabba, *Athen.* xxix, 1951, 271 f.

[6] Cic. *Mur.* 49; *Cat.* iii. 14; Licin. 42. 1 F.

[7] Cic. *Sulla* 60 ff., cf. p. 306 n. 5; *CIL* x, p. 89.

[8] Cic. *leg. agr.* ii. 78; Cat. i. 8; *Lib. Col.* 236. 14 L. refers to assignation of its land by *quinqueviri*, perhaps Sullan (*contra* Mommsen, *GS* v. 209). Cf. p. 307 n. 1.

least of these were selected. The Marians were strong in Etruria, and Praeneste stood a siege by Sulla's forces. The colonies in Arretium, Faesulae, and Praeneste illustrate Appian's generalization that it was cities hostile to Sulla whose land was taken for his soldiers. Cicero refers to 'Volaterranos et Arretinos quorum agrum Sulla publicarat neque diviserat'; it would appear that here he made the whole territory of the delinquent cities public.[1] He also deprived the people of Arretium and Volaterrae of citizenship, a decision which mysteriously was annulled by the courts.[2] Volaterrae held out till 80,[3] and never seems to have become a colony, perhaps because at that late date the assignations were complete, or at least the lands required were already marked out elsewhere; the inhabitants, or some of them, were left in *de facto* possession of their land (p. 313).

Some Arretines were in the same position (p. 313) yet some colonists were sent to Arretium; therefore other Arretines were dispossessed. Pliny distinguishes between 'Arretini veteres, Arretini Fidentiores, Arretini Iulienses', and an imperial inscription mentions a 'decurio Arretinorum veterum'. The 'Arretini veteres' are evidently the old inhabitants, and the 'Iulienses' triumviral settlers; the 'Fidentiores' must be the Sullans.[4] Other examples of such 'double communities' at Nola, Clusium, and Interamna will be mentioned later. Scholars are not agreed on the interpretation of the scanty evidence. Did two separate but equal communities coexist within the same walls? Or were they physically as well as juridically separated? Or were the old inhabitants subordinated to the new settlers? The first two explanations seem to me implausible (cf. Appendix 5). At post-Sullan Pompeii Cicero could distinguish the Pompeiani from the colonists; they were separately represented at the trial of their patron, Publius Sulla, who is said to have reconciled their differences, at some date before 62, differences 'de ambulatione ac de suffragiis suis'; this suggests that the old inhabitants did not enjoy equality in voting rights.[5] One might suppose that at Arretium, unless the colonists were actually settled on a new site, Sulla intended them to rule over the old inhabitants, who lacking the Roman citizenship could not have shared local rights with the veterans: however, the legal decision which upheld Arretine citizenship might well have frustrated any such intention. Certainly, the colonists must have been bitterly divided from their neighbours. At Praeneste the colonists failed to make

[1] *Att.* i. 19. 4, cf. *Fam.* xi. 20. 3; xliii. 4.

[2] Cic. *Caec.* 97; *Dom.* 79.

[3] *Per.* Livy lxxxix; Licin. 32 F.

[4] Pliny, *NH* iii. 52; *CIL* xi. 1849; F. Hampl, *Rh. Mus.* xcv, 1952, 52 ff., thinks that there were physically separate communities at Arretium and Clusium (p. 307) with their own walls in the Augustan period.

[5] See p. 305 n. 7. R. Carrington, *JRS* xxi, 1931, 114, conjectures that the Sullans were settled in the old territory of Stabiae, destroyed in 89 (Pliny, *NH* iii. 70: 'nunc in villam abiit'). Appian *BC* ii. 94 makes Caesar say that by combining veterans with expropriated peasants in colonies Sulla made them lasting enemies.

good, and [from the late Republic] old local families held office, having escaped Sulla's wrath by timely defection; resentment at the colonial foundation persisted, and under Tiberius the city petitioned paradoxically to revert from colonial to municipal status; the very name of colony perpetuated the memory of Sullan oppression.[1]

Some other Sullan colonies can be named. North of the Volturnus Pliny mentions 'Urbanam coloniam Sullanam nuper Capuae contributam'; nearby was an estate which took its name from his son, Faustus. The place has left no epigraphic record. It does not appear in Pliny's list of Italian towns, which is of Augustan date. Despite his 'nuper', a mark of time probably taken from his Augustan source, it must have been in or before Augustus' time that it was absorbed in Capua, perhaps when Capua became a colony under Caesar's law of 59.[2]

The unreliable *Liber Coloniarum* says that the land of Capua, as also of neighbouring Calatia and Suessula, was assigned 'lege Sullana'.[3] Since the Marians had founded an abortive colony at Capua, we might expect Sulla to have ejected their colonists and substituted his own. It is certain, however, that there was no Sullan colony at Capua, as distinguished from viritane assignations, and Cicero says that he, like the Gracchi, did not venture to touch the Ager Campanus, the public land in Campania, which undoubtedly continued to provide the state with rents till 59.[4] The *forma* of this land had been destroyed by Sulla, and he should have replaced it; this may be the basis of the allusion to the Sullan 'lex'. But individual allotments cannot be excluded; Cicero's evidence may be impaired in credibility by the discovery of a Gracchan *cippus* near Capua, though strictly this proves only that the Gracchan commissioners surveyed the land, not that they redistributed it.[5]

Nola's title, Colonia Felix Augusta, recalls the Fidentiores of Arretium and Pompeii's title of Veneria Cornelia (Augusta of course indicates that it received more colonists, or privileges, in imperial times). Here too the *Liber Coloniarum* asserts Sullan assignations; Nola was certainly anti-Sullan, resisting till 80, and an inscription which records a 'decurio adlectus ex veteribus' reminds us of the 'double community' of Arretium.[6] Such a community also seems to have existed at Clusium, another probable Marian centre in Etruria, where Pliny distinguishes 'Clusini veteres' and 'Clusini novi';[7] we have the base of a statue in honour of Sulla, and the

[1] *CIL* xiv. 289 (Plut. *Sulla* 32 is much exaggerated); Gell. xvi. 13. 5; *CIL* xiv. 2889, 2972, 2991, etc. Cf. p. 305 n. 8. [Cf. P. Harvey, *Athen.* 1975, 33 ff.]

[2] Pliny, *NH* xiv. 62, contrast iii. 60–3, 70.

[3] 232. 1, 232. 3, 237.5. Some truth may lurk in such statements, even if Pais's defence of the work goes too far.

[4] Cic. *leg. agr.* i. 21; ii. 81. [5] *ILRR* 467.

[6] *Lib. Col.* 236; *Per.* Livy lxxxix; Licin. 32 F.; *CIL* x. 1273.

[7] *NH* iii. 52.

place was a colony.[1] Florus says: 'municipia Italiae splendidissima sub hasta venierunt, Spoletium, Interamnium, Praeneste, Florentia', and adds that Sulla ordered the destruction of Sulmo.[2] We might expect all these places to have been colonies, as Praeneste certainly was, and Florentia had the status, which it is not known to have got later; it may then tentatively be reckoned Sullan (p. 711). Yet Spoletium and Sulmo apparently remained *municipia*, like Volaterrae. Beloch and others suppose that Florus refers to Interamnia Praetuttiorum, and hold that there was a Sullan colony here on the basis of an inscription which reads: 'Q. C. Poppaei Q. f. patroni municipi et coloniai municipibus coloneis'; on their view this affords another instance of a 'double community'.[3] Here *coloni* would have been settled in a *municipium* (p. 300 n. 3). Others think Florus had Interamnia Nahars in mind and explain the fact that it remained a *municipium* by the intervention on its behalf of A. Pompeius who was honoured there 'quod eius opera universum municipium ex summis periculeis et difficultatibus expeditum et conservatum est'.[4] But in that case Florus must be quite mistaken, for the town in his view was 'sold up'; and yet it is Florus' statement which is perversely adduced to connect Pompeius' activity with the time of Sulla. We might rather think of the perils of endemic brigandage, or those which might have encompassed the city in the time of the triumvirate; it is unjustified to suppose that we can know more of the incident.[5]

For what it is worth the *Liber Coloniarum* indicates some Sullan settlements in the immediate vicinity of Rome (p. 311 n. 4). But conjectures on the identity of the other Sullan colonies are mostly too speculative to be worth mentioning.[6] Less than half the colonies Sulla may have founded can be named.

It is clear that in some and perhaps in all cases the old inhabitants were not wholly expelled; they remained side by side with the colonists. But they had to surrender part of their lands and buildings, even if some of the colonists could be accommodated on estates that were vacant or had been sequestered from prominent Marians. The quarrels between the colonists at Pompeii and the old inhabitants 'cum commoda colonorum a fortunis Pompeianorum rei publicae fortuna diiunxerit' are more likely to be typical than the reconciliation which Cicero alleges to have been brought about there (p. 305 n. 7). For their own security the veterans needed to be settled in fairly large groups. That in turn necessitated taking lands from

[1] *CIL* xi. 2102.

[2] ii. 9. 27. [But see Gabba (cited p. 725) 363 ff.]

[3] *ILLRP* 617, cf. 618.

[4] [*ILS* 6629; the monument is triumviral or imperial, cf. Gabba's edition of App. *BC* v at p. LIV.]

[5] See Sall. *Cat.* 28. 4 for the great number of brigands in Etruria. An inscription in Altamura commemorates how an attack on that town by bandits was repelled in the 1890s. This is the kind of incident of which ancient sources might leave no record.

[6] Venusia may be regarded as probable, cf. E. Fraenkel, *Horace* 2. For a possible Sullan colony near Auseulum see Appendix 17, p. 608 n. 1.

groups of the older inhabitants. At Faesulae in 78 it was the 'volgus agreste' who attacked the veterans; they fled to 'castella'. Sallust also says that the plebs in Etruria had lost their lands and property in the Sullan domination.[1] Those whose lands were spared are indeed likely to have been men of influence, who had not been implicated in resistance to Sulla and who could find intercessors in their noble patrons at Rome. Humbler folk would have been engulfed without hope in the general condemnation of their communities.

We can then be sure that the settlement of some 80,000 peasant soldiers by Sulla did not bring about a like increase in the number of small holders. To an unknown, but probably large, extent it involved the ruin of other peasants.

Moreover it is well known that many of the Sullan settlers were unsuccessful as farmers. Like Tiberius Gracchus before him and Caesar after him, Sulla prohibited anyone from purchasing the veteran's allotments, perhaps for a term of years. Cicero observed that the prohibition had been disregarded: 'videmus, ut longinqua mittamus, agrum Praenestinum a paucis possideri.'[2] (The term 'possideri' is used because the purchasers did not obtain title *optimo iure*.[3]) In 63 ruined veterans combined with the very peasants they had supplanted in support of Catiline.[4] In antiquity their failure was ascribed to their love of luxury and extravagance.[5] Modern writers are apt to think that they lacked experience in farming, or that soldiering had made them lose the taste for it. These explanations may be biased or incomplete. Even the extent to which the Sullan veterans failed may be exaggerated. But of course, if their failure was common, the Sullan settlements cannot have had the far-reaching social and economic effects predicated by Kromayer.

In an interesting examination of the Sullan colonies, Gabba takes the archaeological evidence from Pompeii, which, he says, appears to show that there was no change after the foundation of the colony in the system of rational exploitation of the soil under which the land was divided into units of about 100 *iugera*. He would explain this by supposing either that the veterans received allotments of this size or that if and in so far as they were given smaller parcels, they sold out so soon that their settlement left no visible effects; to some extent both explanations might be true.[6] At Praeneste we know that the colonists soon lost their lands. In Etruria similarly veterans had been ruined by 63, and the *latifundia* must

[1] Licin. 34 F; Sall. *Hist.* i. 65 ('magna vis hominum convenerat agris pulsa aut civitate eiecta'); *Cat.* 28. 4.
[2] *leg. agr.* ii. 78; for Caesar cf. App. *BC* iii. 2 and 7.
[3] *leg. agr.* iii. 7 ff. esp. 14, cf. pp. 313, 323, 325.
[4] Cic. *Mur.* 49; Sall. *Cat.* 16. 4, 28. 4.
[5] Cic. *Cat.* ii. 20; Sall. (last note); App. *BC* ii. 6; Dio xxxvii. 30.
[6] *Athen.*, 1951, 229 ff.

have grown again. (Gabba supposes, without evidence, that the expelled farmers were merely tenants of great owners; even so, the assignations meant that these owners were deprived of their property for the time.) He speaks of the colonists' 'incompetence in their new occupation and their natural and innate tendency to wastefulness'. Military service had become a profession, and despite their rural origins (which he recognizes) soldiers had no desire to return to the lands, but preferred to sell. Booty and the sale of lands enabled them to secure a higher social and economic position; veterans are attested as *equites* and even senators.

This analysis should not be accepted. 'Professionals' were a minority of Sulla's soldiers. Of the 23 legions he settled on the soil, only 5 had accompanied him to the east. The rest had been recruited in 83–82, including those which had deserted to him from the consul, Scipio. Doubtless many of the soldiers had seen previous service in the years since 90 (or before); that must also have been true of the men Cinna levied, and they were not enthusiastic for fighting.[1] Farming was not a new occupation for these peasant legionaries. Even the soldiers who had been in the east had hardly, with the exception of centurions and higher ranks, been infected by an extravagant taste for luxury, and it is incredible that up to 80,000 men (or 120,000, as Gabba thinks) were given farms of 100 *iugera* which could tempt them to behave as Cicero imagines—'aedificant tamquam beati . . . praediis lectis, familiis magnis, conviviis apparatis delectantur'—and thus to fall into debt.[2] Cicero's picture may certainly be true of centurions like Manlius, the leader of the discontented veterans in 63 (cf. p. 309 n. 5). Other officers were shrewder and, as Gabba shows, rose in the social scale.[3] But they were surely not the men who sold their lands. Land was the safest investment and the most respectable, the foundation of the dignity of an *eques* or senator.

The failure of many Sullan settlers is, however, not to be doubted; it must and can be otherwise explained.

In the first place, we are told by Appian that the veterans were partly settled on *ager publicus* not previously assigned. Sallust makes Lepidus say that they were fobbed off with 'paludes et silvas'. Whether or not this speech is based on what Lepidus did say on one or more occasions, it may be taken to represent criticisms that could be made of Sulla's dispositions, criticisms which naturally may not have been entirely just but which cannot have lacked plausibility. Cicero was able to suggest that allotments under

[1] App. *BC* i. 78; *Per.* Livy lxxxiii.

[2] *Cat.* ii. 20. If 120,000 or 80,000 men received 100 *iugera* apiece, they would have occupied 30,000 or 20,000 sq. km. out of 130,000 in Italy excluding Cisalpina (Beloch, *Bev.* 389). But, as much land was uncultivated, even the assignation of 5,000 (at 25 *iugera* apiece to 80,000) would have meant a large dislocation of property. For soldiers as peasants see *AL*.

[3] *Athen.*, 1951, 202 ff.

Rullus' bill would be in arid or pestilential regions, and the suggestions would not have had much force unless it had been common knowledge that some of Sulla's veterans had in fact received lands of this kind. It would obviously not be surprising if such lands proved unprofitable.[1]

Secondly, conditions in the post-Sullan era were peculiarly unfavourable to the small farmers. Many must have been called up for military service, especially in the 70s, when the requirement for soldiers was exceptionally high (Chapter XXV, section i), and the burden of conscription may well have fallen most heavily on men whose previous service and training attracted the attention of recruiting officers. Others must have been ruined by the devastations incidental to the risings of Lepidus and Spartacus or by piratical depredations or by the violence endemic in the Italian countryside (Chapter VIII). By 63 indebtedness was rife in every part of Italy, and many Sullan veterans had been reduced, often perhaps by no fault of their own, to the same destitution as the peasants they had displaced. When Catiline offered himself as a leader to the 'miseri', he found widespread support in all the regions of Italy, and most of all in Etruria where the Sullan veterans had been perhaps most thickly settled. It was only because his supporters were unorganized and inadequately armed and because Cicero took prompt and efficient measures of repression that his revolt was put down so soon.[2]

To conclude, we cannot be sure that the settlement of some 80,000 peasant soldiers by Sulla was tantamount to an increase of 80,000 in the number of small holdings; to an unknown extent Sullan *latifonditti* replaced Marian, and Sullan veterans took over the homes of the 'innoxia plebs'. Again, an unknown but probably large proportion of the Sullan colonists failed to make good, mostly for no fault of their own; there is no reason to think that any increase in the number of small farms due to Sulla was more durable than that effected by the Gracchi is said by Appian to have been. According to Appian, the failure of the Gracchan settlers was followed by a further decline in the citizen population;[3] and we cannot assert that the work of Sulla arrested this tendency. It may be not without significance that so few of the Sullan colonies can be identified;[4] we may suspect that

[1] App. *BC* i. 100; Sall. *Or. Lepidi* 23; Cic. *leg. agr.* ii. 71. Sullan *possessores* of waste and pestilential lands (ibid. i. 15; ii. 68–71) may have acquired them from unsuccessful veteran farmers.

[2] Cic. *Mur.* 50; *AL* 72 f. [3] App. *BC* i. 27.

[4] One may note here some curious entries in *Lib. Col.*: 231. 11: 'Bobillae, oppidum. lege Sullana est circum ducta . . . agrum eius ex occupatione milites veterani tenuerunt in sorte'; 232. 20: 'Capitulum, oppidum, lege Sullana est deductum . . . ager eius pro merito . . . (lacuna) et quis prout agrum occupavit tenuit; sed postea Caesar limites formari iussit pro merito'; 233. 3: 'Castrimo(e)nium, oppidum, lege Sullana est munitum . . . ager eius ex occupatione tenebatur; postea Nero Caesar tribunis et militibus eum adaignavit'; 234. 14: 'Gavis (sc. Gabii), oppidum lege Sullana munitum. ager eius militi ex occupatione cenitus est.' What may underlie these notices is that land 'occupied' by Sullan *possessores* in these places was assigned to veterans in later distributions. 238. 10 says of Tusculum:

many are only known as colonies after they had been refounded in 41 or later, and that the settlers to whom the triumvirs or Augustus gave lands often acquired the soil where *Sullani* had once farmed.

(iv) *Allotments between 78 and 49 B.C.*

There is no ground for thinking that Sulla envisaged that discharged soldiers were regularly to receive land allotments. In Italy at least lands were distributed to soldiers only in defiance of senatorial opposition.[1] It was presumably under duress that the senate approved land allotments to veterans of the Sertorian war, if the Lex Plotia belongs to that context; as late as 59 no land had in fact been granted.[2] In 63 it was supposed that Pompey's army might have hopes of lands or other rewards to be secured from his influence.[3] Rullus' proposal in that year was surely designed to provide for his veterans, as well as for civilians who desired land, though the credit would have accrued, had it been passed, not to Pompey but to the authors of the bill and the commissioners charged with its execution. But both this bill, and that moved by L. Flavius in 60,[4] were defeated by senatorial obstruction, and it was left to Caesar to carry similar proposals in 59 by violence, in which Pompey's still unsettled veterans played the decisive part.[5] Their number may be set at 25,000 (p. 460).

Dio, Suetonius, and Plutarch (in his life of Cato) distinguish two agrarian laws of Caesar, the first excluding and the second including the Ager Campanus. Cicero's contemporary evidence shows that they are right.[6]

According to Dio the first law provided for allotment of lands to veterans and other poor citizens.[7] This was exactly what Flavius had proposed and what the Lex Plotia had apparently authorized.[8] Cicero had thought that Flavius' bill (even after certain amendments he suggested) might serve to drain off the dregs of the city and to people the empty spaces of Italy. He expressed the thought in private: Rullus had been rash enough to say in the senate that the urban plebs should be 'drained away'. Rullus too had planned to settle the destitute ('egentes') on the land. His bill gave

'ager eius mensura Syllana est adsignatus': Pais (*Colonizzazione* 269), suggested that the assignations went to Sulla's *amici*; if so, the same would be true of Aricia (230. 10), another place for luxury villas. M. E. Blake, *Ancient Roman Construction in Italy*, 1947, dates town fortifications to the Sullan period at Ardea, Bovillae, Ferentinum, Satricum, Tarracina, as well as at Praeneste; in some cases there are other buildings of the same period (108 f., 222, 230 ff.); she associates these buildings with veteran settlements. In such places they would have served well to dominate Rome. But the dating cannot be precise, and the inference is dubious. See also p. 308 n. 6.

[1] Brunt, *AL* 79.

[2] R. E. Smith, *CQ* vii, 1957, 82 ff. (based on Cic. *Att.* i. 18. 6; Dio xxxviii. 5; Plut. *Luc.* 34. 3).

[3] Cic. *leg. agr.* ii. 54.

[4] Cic. *Att.* i. 18. 6, 19. 4; Dio xxxvii. 49 f.

[5] Plut. *Pomp.* 48; Dio xxxviii. 5. 4; App. *BC* ii. 10.

[6] For modern literature cf. *MRR* ii. 192 n. 3; texts, ibid. 187 f.

[7] Dio xxxviii. 1. 3.

[8] *Att.* i. 18. 6.

preference to the rural tribes, 'rustici' according to Cicero. Probably men registered in the urban tribes were predominantly freedmen, while peasants who had drifted into Rome remained in their old rural tribes; certainly, those who had migrated since the last census in 69 will have done so. But landless labourers who had not moved into Rome might also have been eligible for allotments, if Rullus' bill had passed.[1] Freedmen and free-born citizens who had lived long in the city had lost the skills and habits of rural work, and Cicero, in opposing the bill, could make a demagogic appeal to their preference for city life with its games and festivals and the opportunity to make a lucrative use of their votes.[2] Cicero was also anxious to stress that the bill was inimical to Pompey's interests, and he does not expressly concede that his veterans would have been among the beneficiaries, though he implies that they would look for lands to Rullus' commissioners (p. 312 n. 3). They were to hold office for 5 years, well beyond Pompey's expected return, but not too long for completion of their task (cf. p. 79), and it cannot be doubted that if we had Rullus' own version of his intentions, it would be plain that they were to provide for the veterans.

Caesar's first law empowered agrarian commissioners to distribute public lands except for the Ager Campanus and Ager Stellas.[3] Rullus had made no exception; he had proposed to found a colony at Capua, and Cicero had sought to work up feeling against this, no doubt with success.[4] This was perhaps one reason why Caesar, initially conciliatory, excluded the Ager Campanus. Probably Flavius had set the example, for Cicero's objections to his draft do not touch the Ager Campanus. Cicero had then proposed to delete from Flavius' bill clauses which would have made available the land occupied by 'Sullani' and the land of the Volaterrans and Arretines which Sulla had confiscated but not distributed (p. 306 n. 1). In 45 he claimed that Caesar as consul had approved his intervention on behalf of Volaterrae and freed that town and its land from all fear for ever.[5] It will appear later (section v) that Caesar cannot have formally confirmed the Volaterrans in possession *optimo iure* (p. 323). Probably he did no more than give assurances that they were not to be displaced. As the Arretines were in the same position, they were surely favoured in the same way.

Caesar's commission was also to purchase land for distribution, out of the funds created by the booty and new revenues Pompey had brought in, from willing sellers at the valuations declared in the census lists.[6] Rullus had similarly provided for purchase from willing sellers out of new revenues, but apparently without any limitation on price, so that Cicero could censure his proposal on the ground that it would give rise to profiteering.[7]

[1] *leg. agr.* i. 22; ii. 70, 79, 97. On tribal registration see Brunt, *Past and Present*, 1966, 6 f.

[2] *leg. agr.* ii. 71.

[3] Dio xxxviii. 1. 4; Suet. *Caes.* 20. 3.

[4] *leg. agr.* i. 18 ff.; ii. 76 ff.

[5] *Fam.* xiii. 4. 2, cf. p. 298 n. 3.

[6] Dio xxxviii. 1. 4.

[7] *leg. agr.* i. 14 f.; ii. 67

Cicero took no such exception to Flavius' bill, which had perhaps been in the same form as Caesar's (p. 312 n. 4).

The commission was to consist of 20 men. We also hear of a quinquevirate. The *Viviri* were apparently also *XXviri*, and may be regarded as an executive committee. M. Valerius Messalla is described as 'Vvir a(gris) d(andis) a(ssignandis) i(udicandis)'. The commissioners then had the same powers of jurisdiction, for the purpose of determining what was public land, as the Gracchan and those who would have been appointed under Rullus' bill; they must have been vested with *imperium*.[1]

The *XXviri* were also responsible for parcelling out the Campanian lands.[2] This in itself suggests that the Lex Campana was merely supplementary to the earlier law, giving the commissioners more land to distribute.

Suetonius states that Caesar divided the Ager Stellas and Ager Campanus 'extra sortem' among 20,000 citizens with three or four children,[3] a qualification for receiving grants that Appian[4] and Dio[5] confirm. Plutarch adds that the recipients were drawn from the poor; so we may conclude that allotments were to go only to fathers of three or more children with less than a certain amount of property.[6] Both Velleius (ii. 44) and Appian also give the figure of 20,000. It is clear that our authorities held that this number actually received land in the regions named, not that it was specified in the law. If the law did specify a maximum, then it must have provided for selection among the qualified claimants, and it is hard to see what criterion could have been employed except the lot. But Suetonius says that the lot was not used. This could be explained, if the qualified claimants happened not to exceed 20,000, and that is what Appian actually says. Alternatively the law provided that no more than 20,000 allotments should be made, and there were in fact no more claimants, so that resort to the lot proved unnecessary. It might also have been prescribed that claims should be considered up to the limit of 20,000 in order of applications. The texts do not suggest that veterans were excluded from consideration. There are some indications that veterans received allotments in Campania;[7] and we might suppose, on the basis of the evidence so far considered, that they were men who fulfilled the qualifications named.

Cicero took it for granted that the normal allotment would be of 10 *iugera*, which was no doubt adequate for a peasant farm in the rich soil of

[1] *MRR* ii. 191 f. for Caesar's *XXviri* and *Viviri*. Rullus' commissioners would have had the right to determine title to public lands outside Italy, *leg. agr.* i. 9 f.; ii. 56 ff., but presumably in Italy too; clause XL of his bill (iii. 4, cf. 7, 11 f.) must be within this context. *Imperium*, ii. 32, etc.

[2] Varro, *RR* i. 2. 10.

[3] *Caes.* 20. 3.

[4] *BC* ii. 10.

[5] xxxviii. 7. 3.

[6] *Pomp.* 47. 3; *Cato Min.* 31. 4, cf. for Campania 33. 1.

[7] Plut. *Cic.* 26. 3; Cic. *Phil.* ii. 101. Caes. *BC* i. 14. 4 probably proves nothing.

Campania.[1] Now M. A. Levi, on the basis of a careful survey, has calculated that the Ager Campanus comprised 194,000 *iugera*, to which 10,000 may be added for the Ager Stellas.[2] At first sight, these calculations seem to confirm the interpretation of the law so far advanced. But the implication would be that the public tenants already in possession must have been largely displaced. Now it would be surprising that Caesar should have wished to eject them, if we take at face value Cicero's description of them in 63 as 'genus hominum optime moratum, optimorum et aratorum et militum' or 'miseri nati in illis agris et educati, glebis subigendis exercitati'.[3] And in fact they were not all ejected; in 56, after the foundation of the colony at Capua, Cicero could refer to the old inhabitants as 'eidem homines nomine commutato coloni decurionesque, fortissimi atque optimi viri'.[4] It might be suggested that some at least of the tenants, just because they were tenants and not owners of the soil they cultivated, had little property and may have fulfilled both the qualifications prescribed for benefits under the law. But, to say nothing of the fact that however poor many of the tenants may have been, they can hardly all have been fathers of three children, it is clear that the *decuriones* at least, who were regarded by Cicero as bulwarks of the conservative order, cannot have been poor, yet they remained in possession. In 63 Rullus had proposed to send only 5,000 colonists to the projected colony of Capua, and in spring 59 Cicero assumed, perhaps without having seen full details of Caesar's bill, that not more than 5,000 settlers with 10 *iugera* apiece could be accommodated in Campania (n. 1 below). If he was right in his expectation, the view in our secondary sources that 20,000 of the poor received lands there must be rejected, and indeed this view is plainly incompatible with the known fact that some of the old population, and perhaps all, were confirmed in possession of the lands they had leased from the state.

[In 211 the Capuans most guilty of the revolt had been executed or sold into slavery; Capuan territory became public domain and was leased; parts were later assigned to Roman colonists or sold by the quaestors;[5] but most of it was still cultivated by the old inhabitants as tenants of the state. No survey was made; private possessors encroached on the domain; an attempt made to check this in 172 failed.[6] In 165 P. Lentulus was commissioned according to Cicero] 'ut privatos agros qui in publicum Campanum incurrebant pecunia publica coemeret', but he could not

[1] *Att.* i. 16. 1, cf. *leg. agr.* ii. 76, 78; 12 *iugera* in Ager Stellas, ibid. 85, where it is implied that the soil there was much less fertile than the small disparity in the size of allotments allowed for.

[2] *Atene e Roma* xxiv, 1922, 240 ff. (at 245 n. 5), based on his article in *Atti R. Accad. di Torino*, lvii, 1921/2, 604 ff.

[3] *lege agr.* ii. 84. [4] *Sest.* 9, cf. *Pis.* 25.

[5] [Livy xxvi. 16. 17, xxvii. 3. 1, 11. 7 ff., xxviii. 46. 4, xxxii. 7. 2, xxxiii. 29, xxxiv. 45.]

[6] [Livy xlii. 1. 6, 9. 7 f., cf. 19. 1 for ensuing *censoria locatio*.]

find a single willing seller.[1] We have a different account of his activity in an unfortunately corrupt text of Licinianus.[2] This clearly asserts that the whole land had come into the possession of private persons, which is presumably a gross exaggeration, and that they agreed that Lentulus might 'pretia constituere'; mediating between their interests and those of the state, he bought 50,000 *iugera*, and let this land (according to a plausible supplement) in small farms. It is far from clear how the *possessores* had encroached on the public land, but it looks as if they were men of influence, presumably Romans, whom Lentulus was bound to conciliate. Levi suggests that the 'pretia' he fixed were for improvements that they claimed to have made on public land he reclaimed for the state. Even if he reasserted public ownership, and divided the land reclaimed into small farms, perhaps of 10 *iugera*, he need not have debarred them from renting these farms. Licinianus shows that he made a survey which was inscribed in bronze in the temple of Libertas. But the 'forma' was destroyed by Sulla. It may be that especially since Sulla's time rich and powerful Romans had aggrandized their holdings of Campanian land once more, and that the aim of Rullus had not been (as Cicero suggests) to displace the 'optima plebs' in Campania but to distribute relatively large holdings in the hands of absentees, a plan that Caesar revived and carried out. Though the story of the Ager Campanus is obscure, the coincidence between the 50,000 *iugera* recovered for the state by Lentulus and the 50,000 that Rullus, and perhaps Caesar, designed to distribute may have some significance.[3]

After 59 the obscurity persists. In December 57 the tribune, Rutilius Lupus, apparently a friend of Pompey, raised the question of the Ager Campanus in the senate, criticizing Caesar, abusing Gellius, whom I take to be one of the land-commissioners, and expostulating with Pompey, who was absent; the question was deferred until he could be present. It came up again in early April 56, made more acute by the shortage of money and the

[1] *leg. agr.* ii. 82. Did Lentulus try to obviate new encroachments by buying private lands adjoining the Ager Campanus? If so, we could reconcile Cicero's statement with Licinianus' account that he did recover public lands.

[2] Licin. 35 (Bonn) with readings proposed by Mommsen, *CIL* x. 366: 'ei (Lentulus, consul 162) praetori urbano senatus permisit agrum Campanum, quem omnem privati possidebant coemeret ut publicus fieret. et possessores Lentulo concesserunt pretia constitueret. nec fefellit vir aequus, nam tanta moderatione usus est, ut et rei publicae commoda et possessorum temperans . . . iugerum milia quinquaginta coemeret agrum eum in fundos minutos divisum mox ad pretium indictum locavit. et multo plures agros . . . praepositus reciperavit formamque agrorum in aes incisam ad Libertatis fixam reliquid, quam postea Sulla corrupit.' Cf. Levi, cited in p. 315 n. 2.

[3] Cicero complained of the loss of revenue from Campania both under Rullus' bill and under Caesar's law, *leg. agr.* i. 21; ii. 80; *Att.* ii. 16. 1 £; this resulted from the conversion of the old tenants into owners *ex iure Quiritium* just as much as from the sending out of new settlers. I suspect that he also spoke for capitalists who had profits to lose.

high price of corn; this suggests that it was argued that any displacement of the existing *possessores* in Campania, an important source of grain, might aggravate the dearth. Cicero proposed that it be debated in a full house in May; he boasted later that this was an attack on the citadel of the triumvirs' cause, but he evidently did not reckon that Pompey would be offended, and Pompey gave no sign of displeasure. It was Caesar's annoyance that forced Cicero to draw back after the conference of Luca.[1] It seems that in 56 there must still have been lands in Campania available for distribution, but that Pompey's veterans were not likely to suffer, if distribution ceased. Caesar may have objected to Cicero's motion, either as an indirect attempt to cast doubt on the validity of his laws, or because he still envisaged that there should be further settlement in Campania, perhaps to his own soldiers when they in turn were discharged. In 51 Curio, before he had openly gone over to Caesar, once more revived the question of the Ager Campanus; the nature of his proposal is not stated, but it was objectionable to Pompey, not to Caesar.[2] All that can be inferred is that there was still a possibility of allotments in Campania. In fact, both Caesar and Antony after his death made grants of land there, and Cicero's motion in the senate in January 43 implies that yet further grants could still be made.[3] Capua was one of the cities the triumvirs marked out for veteran colonies, and allotments were made there;[4] in this case indeed we can assume that farms might have been confiscated from those whose title had been confirmed or who had been assigned lands under the law of 59. In 36 Capua is said to have been actually in need of settlers, and Octavian bought land for veterans in its territory.[5] Of course, since 44 (or 49) land may have become vacant as a result of war losses, proscriptions, and confiscations. The history of Capua from 59 to 36 is thus extremely confused; but doubt must arise whether any considerable distribution of the Ager Campanus took place as a result of Caesar's law in 59.

What then of the view of the secondary sources that 20,000 of the poor were settled there? I incline to think that they mistook the terms of Caesar's second agrarian law, and that it really prescribed that the commissioners were to find lands not only for Pompey's veterans but for such of the poor as were fathers of three or more children, perhaps up to the limit of 20,000 (*supra*), and entitled them to distribute parts of the *ager publicus* in Campania as well as to buy private lands in order to fulfil these purposes. What was new in the second law was thus (*a*) the inclusion of the Ager Campanus

[1] Cic. *Qu. fr.* ii. 1. 1 (for Rutilius Lupus *Fam.* i. 1. 3), 6. 1; *Fam.* i. 9. 8 f., on which see D. L. Stockton, *TAPA* xciii, 1962, 471 ff. against J. P. V. D. Balsdon, *JRS* xlvii, 1957, 18 ff.

[2] Caelius says that Pompey was anxious 'ne vacuus advenienti Caesari pateat' (*Fam.* viii. 10. 4). [3] See pp. 324 f.

[4] App. *BC* iv. 3; Vell. ii. 75; Suet. *Tib.* 4; perhaps *CIL* x. 3903.

[5] Dio xlix. 14. 5, cf. Vell. ii. 81. For further veteran settlements at Capua and Nuceria see Tac. *Ann.* xiii. 31.

and Ager Stellas within the scope of the commissioners' activity; (*b*) a closer definition than the first law had provided of the qualifications to be demanded of claimants for allotment among the civilian poor. The first law had merely required poverty as a condition for benefit; the second added that recipients must have children, and perhaps that not more than 20,000 could be settled. In the interval between the two laws it had been seen that the first law might set the commissioners an impossible task, by admitting too many claims and not providing them with land enough even to satisfy a moderate number of applicants. The fact that Caesar had at first excluded the Ager Campanus from distribution may also suggest that it remained his intention that distributions there should be resorted to, only if claims could not otherwise be met, and this will explain why in the end relatively little land seems to have been allocated in Campania. The second law was merely supplementary to the first, and was consequently administered by the same board.

On this view the commissioners must have obtained most of the land they needed by purchase or by distribution of *ager publicus* outside Campania. In buying land, they had to offer a price determined by the last census valuation, probably of 61–60 if the censors of that time had virtually completed their task, though without taking a *lustrum* (pp. 104 f.). Such prices may have been favourable; Italian property-owners, not being subject to *tributum*, may have been prone to exaggerate their wealth, for appearance or to qualify themselves for membership of the equestrian centuries or the first property class.

Perhaps redistribution of the *ager publicus* was more important. The law of 111 seems to show that what *ager publicus* remained after the Gracchan legislation was mostly reserved for grazing. It does not follow, however, that it was incapable of cultivation and that parts of it were not subsequently brought under cultivation, particularly when woods had been cut for timber. In my judgement the cultivable area was being progressively extended. Newly cleared land or land long under pasturage could be expected to yield well, and could be regarded as suitable for small allotments. Moreover, much land confiscated by Sulla had not been divided up and was occupied by *latifondisti* with no clear title. Caesar's laws in 59 certainly did not confirm the 'Sullani' in possession.[1] They may well have included Pompey, Crassus, and some of their friends, but it would of course have lain within the discretion of the commissioners to respect the interests of such people, while redistributing lands enjoyed by their opponents. At Praeneste great landowners had come into possession of some of the lands allocated by

[1] Cf. p. 323. Here Caesar's law must have differed from Rullus', if Cic. *lag. agr.* ii. 68 70, iii. 6–14 are reliable. Rullus' commissioners would have been entitled to sell certain public property in Italy (*ii.* 35–7 and probably *i.* 3 f.; ii. 48; iii. 15), but Cicero does not mention any proposal to distribute public lands outside Campania.

Sulla to his veterans, and their rights may have been dubious. The *Liber Coloniarum* says that land here was allocated by *Viri*, who may be identified with Caesar's, not Sulla's commissioners.[1] It also attests their work at Venafrum, and various other assignations under a Lex Iulia or by order of Caesar which it mentions may be connected with their work, or may be placed in the 40s.[2] How far these notices can be relied on is uncertain.

It is hardly to be believed that the 25,000 veterans at least were not given allotments. If they had not been satisfied, we should have heard something of their continued discontent. And in one way or another their allotments must have come out of the great estates. While we may be sceptical whether Sulla's distribution of lands made for a large net increase in the number of small proprietors, the execution of Caesar's laws should have contributed substantially to that result. If the total number of citizens was of the order of one million, the distribution of small farms to nearly 50,000 veterans and *proletarii*, unaccompanied by the expropriation of other small farmers, represented a significant social change. Unfortunately, the civil wars that began a decade later and involved much conscription among the rural population may largely have undone its effect.

It is a plausible conjecture that the greater density of the free population in certain areas resulting from these settlements explains the Lex Mamilia Roscia Peducaea Alliena Fabia, which must surely be dated to 55, and which empowered officials to [found colonies and regulate the local administration of other types of community;] probably it was under this law that Labienus 'constituted' Cingulum in Picenum.[4] (See Addenda).

(v) *Allotments between 49 and 42 B.C.*

The allotments granted in these years were made to veterans. Caesar also carried out or designed a large scheme for the colonization of the civilian poor, but they were sent overseas, not settled in Italy. Indeed, an unknown proportion of the veterans too were given homes in transmarine colonies (Chapter XV, section v). As the total number of veterans from his Gallic legions can hardly have exceeded 25,000–30,000, the number settled in Italy was not large.[5] Moreover the veterans, whether they received allotments in Italy or in the provinces, were soon recalled to the colours in the wars following Caesar's death, and though they were entitled to return after Philippi to their lands, a considerable number must have died on

[1] *leg. agr.* ii. 78; *Lib. Col.* 236. 14, cf. p. 305 n. 8.

[2] 236. 14, 239. 7. Other references to centuriation by order of Caesar (220. 8, Veii; 233. 14, Aesernia; 253. 16 ff., Cures; 256. 1, Ficulea; 258. 2, Trebula; 259. 22, Bovianum) may be to the time of his dictatorship, if reliable at all; and allusions to a lex Iulia may be connected with the work of Octavian.

[3] *FIRA* i, no. 12, cf. *MRR* ii. 217 for modern discussions.

[4] Caesar, *BC* i. 15. 2.

[5] On the depletion of Caesar's Gallic legions see Appendix 27. Even V Alaudae seems to have been discharged, see p. 478.

service; if they left no heirs, their allotments apparently went back to the state and were available for redistribution.[1] The economic and social effects of Caesar's work in settling veterans at this time were therefore much less significant than those of other settlements in the last century B.C.

In 47 the veteran legions were already mutinous and clamorous for discharge. At this time, according to Dio, Caesar did no more than discharge and apparently find land for a few of the most turbulent, especially men who had experience of farming; the rest were retained in service.[2] In fact, however, only 5 whole veteran legions, together with a detachment from the rest, served in Africa (September 47 to May 46) and only 3 veteran legions are attested in the Spanish campaign (November 46 to September 45).[3] Some progress was doubtless made in this period in settling soldiers both in Italy and in the provinces, but the work was still not complete on Caesar's death. At that time there were several thousands at Rome; it is said that Antony could recruit 5,000 as a personal guard. We are told that some had come from their colonies to escort Caesar on his projected departure to the east, and that Antony and Dolabella, as consuls, dismissed them to their homes. But others had at most been assigned to colonies and were not yet in possession of their allotments.[4] This is certain from the fact that it was left to commissioners appointed under a Lex Antonia of June 44 to instal many veterans in colonies (*infra*). If some veterans were alarmed that their allotments might be taken from them, others must have been afraid that they would be denied their promised rewards.

The process of settlement was probably delayed not only by Caesar's need to use some of the veterans in Africa and Spain, and by his own preoccupation with warfare, but also by his reluctance to proceed to confiscations in the manner of Sulla. Appian states that in 47 he promised the troops to give them public land, or his own, and not to take land away from the present holders, and so make the settlers and their neighbours everlasting enemies, as Sulla had done.[5] According to Dio, who inserts in his account of the mutiny a proleptic passage describing the settlement of the veterans, he acted on this plan, scattering the veterans in different places;[6] Suetonius agrees.[7] In so far as Caesar did act in this way, the work of land settlement was infinitely more complicated; he could not simply sequester a large block of cultivable land and assign to it so many soldiers; instead, it was necessary to make a careful investigation of the lands throughout Italy already available for distribution and ascertain which parcels were suited to small farmers.

[1] p. 300 n. 1.
[2] Dio xlii. 52–5, esp. 55. 1; App. *BC* ii. 92–4.
[3] See p. 255 n. 6.
[4] App. *BC* ii. 119, 125 f., 133; iii. 5 (the guard cannot, as he says, have consisted wholly of centurions; conceivably Antony paid them as such), 21; Dio xliv. 34. 2, 51. 3; Nic. Dam. *Vita Caes.* 49. 103.
[5] *BC* ii. 94.
[6] xlii. 54. 1.
[7] *Caes.* 38. 1.

The land at Caesar's disposal of course included not only whatever *ager publicus* there had been on the eve of the civil war, together with his own estates (*supra*), but also land confiscated from Pompeians. However, Caesar had proceeded with great circumspection in confiscating enemy property. At the beginning of the war his own confidential agent, Balbus, was actually allowed to guard the interests of the hostile consul, L. Lentulus.[1] Cicero's property was never touched; in Pompey's camp he could still receive remittances from Italy and discuss with Atticus the acquisition of a new inheritance and the sale or purchase of estates.[2] It seems to me that the property of M. Marcellus (consul 51), even though he was not pardoned till 46, had also not been sequestered, though it was in temporary danger in his absence from the 'impetum praedonum'.[3] On the other hand the estates of Pompey himself had been sold, perhaps on news of his death, certainly some time before Caesar's return in September 47.[4] Dio says that all prices had then fallen because of the vast amount of confiscated property thrown on the market.[5] It looks as if there was confiscation of the property of those enemies of Caesar who had actually been killed in the war, and probably of those who remained in arms, perhaps of those few whom Caesar was unwilling to pardon. The scope of confiscations was not clear at the time: it was doubtful if the will of one Antistius, who had died in Macedonia, before he had had the opportunity to make his peace with Caesar, would be upheld or not.[6] Eventually Caesar allowed the children of those who had been killed while fighting against him to receive a portion of their inheritance, and the widows to recover their dowries.[7] Already in 45 the young Bibulus was apparently affluent.[8] Despite all this moderation, we may believe Dio that the confiscated estates were very extensive. Sextus Pompey was at first offered as compensation for his father's sequestrated property 50 million *denarii*.[9] Besides Pompey, the civil wars carried off among his

[1] Cic. *Att.* viii. 15 A. 2; ix. 7 B. 2.

[2] Ibid. xi. 1. 1, 2. 1 f., 2. 4, 4.

[3] *Fam.* iv. 7. 5 (July 46): 'Habemus etiam rationem rei familiaris tuae, quam dissipari nolumus. Nam, etsi nullam potest accipere iniuriam, quae futura perpetua sit, propteres quod neque is qui tenet rem publicam patietur neque ipsa res publica, tamen impetum praedonum in tuas fortunas fieri nolo.' Cf. iv. 10, where he urges Marcellus to return quickly in the interest of his property. In iv. 13. 2 (July 46) Cicero deplores 'eorum (Pompeians) naufragiis et bonorum direptionibus': 'id ipsum video, quo nihil est acerbius, eorum fortunas dissipari'; this may refer not to confiscations but to losses due to the owners' absence.

[4] Cic. *Phil.* ii. 71, cf. Plut. *Ant.* 10; Dio xlii. 50. 5. For Antony's acquisitions of part of Pompey's property cf. also *Phil.* xiii. 10 f.

[5] xlii. 51. 2.

[6] *Fam.* xiii. 29. 2–5.

[7] Dio xliii. 50. 2 (44 B.C.).

[8] *Att.* xii. 32. 2 (March 45). Cato's son also kept his patrimony (Val. Max. v. 1. 10, cf. *Att.* xiii. 6. 2, June 45).

[9] App. *BC* iii. 4; Dio xlviii. 36 shows that in 39 he had to be content with 70 million HS.

partisans a host of other senators and *equites* of rank and wealth, notably Faustus Sulla, son and heir of the dictator and eight consulars.[1]

However, as in Sulla's time, much of this land was sold, since Caesar had an urgent need for cash in 49–46,[2] and was therefore no longer at Caesar's disposal, when he required land to distribute. Once again, the partisans of the victor saw and seized the opportunity to enrich themselves. Some received outright grants (Dio xliii. 47); [only Suetonius (*Caes.* 50. 2) mentions sale at a knock-down price;] payment was required on purchase at auctions. Furthermore, we have the curious story that Antony bought part of Pompey's property at an excessive price, perhaps simply at a price beyond his means, and was directed by Caesar to pay up in autumn 47. Still, the general fall in land-values in 47 must have made it possible to pick up bargains.[3] One of the chief purchasers was P. Sulla, and Cicero thought that Caesar would regret his death in 46, as it would tend to push auction prices down; Caesar, it is implied, was anxious to rake in as much as possible, but there were not many bidders.[4] (The numerous friends of the Pompeians doubtless thought it dishonourable to enter the auction.) It is likely that some confiscated land was left for distribution, but that to a large extent one set of great proprietors was replaced by another.[5] Grants of land also made it necessary for Caesar to authorize the sale of all remaining public estates, including even consecrated lands (Dio, loc. cit.).

Can we be sure, despite the statements of Dio and Suetonius, that Caesar kept to his original plan of settlement? Appian says that the veterans were in fact sent in groups to enjoy unjustly the lands and houses of others and makes Brutus tax Caesar with following exactly the same policy as Sulla, that of establishing *praesidia* in Italy by taking away from unoffending Italians their lands, houses, tombs, and temples.[6] Certainly (as Nicolaus makes clear) veterans of the seventh and eighth legions were settled in groups at Casilinum and Calatia; Octavian re-enlisted 3,000 there in autumn 44.[7] But these groups were small; other soldiers of the seventh seem to have

[1] L. Afranius (60), M. Bibulus (59), P. Lentulus Spinther (57), L. Domitius and Ap. Claudius (54), Q. Metellus Scipio (52), C. Marcellus and L. Lentulus (49), cf. *Phil.* xiii. 29.

[2] *ESAR* i. 336 f.; add Dio xlii. 50 for his exactions in Italy in 47. As late as 45 he had the sale of all public (even consecrated) land authorized, Dio xliii. 47. 4.

[3] See p. 321 nn. 4 and 5, cf. *ESAR* i. 337.

[4] Cic. *Fam.* xv. 17. 2 f.; ix. 10. 3; *de off.* ii. 29.

[5] *Att.* xii. 3. 2 (on which see Shackleton Bailey's notes).

[6] *BC* ii. 120, 140 f. (where Brutus proposes that the expropriated be compensated; if this proposal is historic, I conjecture that Brutus' concern was to ensure that compensation be paid in the future; it need not be implied that Caesar had failed to pay or intended to deny compensation).

[7] Cic. *Att.* xvi. 8. 1–2; *Phil.* ii. 102; Nic. Dam. 136 f.; App. *BC* iii. 40; Vell. ii. 61. *Lib. Col.* 239 refers to a colony at Volturnum in the same region. Dio xlv. 12. 2 (cf. *Att.* xvi. 9) thinks that most of Octavian's recruits came from the colony at Capua founded in 59; his language does not imply that Capua itself had received new veteran settlers in Caesar's dictatorship, but see *ILS* 2225.

been settled at Baeterrae (Appendix 15) in Gaul, and also in Etruria (p. 325 n. 1). Indeed the whole operation was on a far smaller scale than Sulla's, involving perhaps no more than 20,000 settlers in Italy. But was the principle much different?

We have a few references to the operation in Cicero's letters, though they are somewhat enigmatic. In a letter to Papirius Paetus, commonly dated to the summer of 46 on rather slender grounds, he mentions that the land of Veii and Capena is being measured and contemplates with philosophic fortitude the possibility that his own estate at Tusculum might be affected; it never was.[1] The *Liber Coloniarum* may show that land was now distributed at both Capena and Veii,[2] and Nicolaus of Damascus indicates that the veterans present at Rome in March 44 came from neighbouring colonies,[3] perhaps from these places. (We do not know if there was land there which had been long public or whether there had been recent confiscations.) In 45 Cicero appealed to Q. Valerius Orca, *legatus pro praetore*, to spare the possessions of the Volaterrans, and subsequently, not to touch the estate at Volaterrae of C. Curtius whom Caesar had enrolled in the senate and who could not support his rank, if that estate were lost. Orca had been charged by Caesar with the division of lands at Volaterrae. Cicero's plea for Curtius implies that his more general advocacy of the interests of Volaterrae had been rejected; since the time of Sulla the Volaterrans had been left in precarious possession of their lands, which belonged in law to the state, and Cicero's statement that in 59 Caesar's agrarian law 'agrum Volaterranum et oppidum omni periculo in perpetuum liberavit' is presumably misleading; we may suppose that Caesar had then exempted the Ager Volaterranus from redistribution, without giving the *possessores* better title than they had before. In 43 all the land of Sullan *possessores* apparently still remained *ager publicus* available for land allotments (p. 325), and legally there was no distinction between land merely 'possessed' by Sulla's partisans and that left to the Volaterrans. By contrast, the validity of the sales and assignations effected by Sulla was (according to Cicero) recognized by Caesar, 'quo firmiores existimentur suae (venditiones et adsignationes)'; it is rather puzzling that Cicero should have worried about the risk that another estate might be divided, the title to which derived from a sale by Caesar; one might perhaps suspect that all the circumstances are not disclosed, and that the purchaser had failed to pay the full sum when due. Another letter of Cicero concerns the security of municipal estates in Cisalpina; it seems possible that the lands held there by Atella (and other towns) were public and leased out to them.[4] It may be then that all these letters relate to the

[1] *Fam.* ix. 17. 2, dated by O. E. Schmidt, *Der Briefwechsel des M. Tullius Cicero*, 1893, 250. I think a date in 45 plausible, the quadriennium of section 1 running from Pharsalus.

[2] 216, 220 L. But see p. 319 n. 2.

[3] *Vita Caes.* 49.

[4] *Fam.* xiii. 4 f. (Volaterrae), 7 f., cf. ix. 17. 1 ('istis municipiis'); in xiii. 7. 4 he says that many of his friends were threatened with loss.

resumption of *ager publicus* for distribution rather than to the expropriation of private owners with a clear title. Again, if private owners were in fact expropriated, it is possible that they were to be compensated from public funds, or by grant of lands elsewhere. For Cicero it was the prime duty of the statesman to ensure 'ut suum quisque teneat'; he bitterly attacks Caesar after his death for derogating from this sacred principle in his legislation on debt and rents, but neither then, nor in correspondence of the time, is there any hint that Caesar was resorting to expropriation for the benefit of his veterans.[1] One may therefore doubt if there was really much substance in Appian's charges. Certainly distributions were made or designed near Rome, in Campania, Picenum, Etruria, and Cisalpina, widely scattered regions.

After Caesar's death the veterans were alarmed that an attempt might be made to deprive them of their allotments, and at the instance of Antony the senate passed a decree confirming their rights.[2] This was followed in June by a Lex Antonia concerning land-distribution, which set up a commission of seven, of whom the chief was L. Antonius. The scope of this law is not perfectly clear. Dio says that Antony's object was to ingratiate himself with the populace, and that the law authorized the assignation of a large amount of land, in particular the Pontine marshes which Dio says had been drained; in fact the draining was one of Caesar's unfulfilled projects. Cicero remarked that whereas Caesar wished to drain the marshes, Antony gave all Italy to be divided by his brother.[3] Obviously it had been Caesar's plan to settle some of the poor on the marshes when they had been reclaimed, and this plan was incorporated in the law; in the meantime other lands too were to be assigned to the plebs. But the law also related to veterans, and in fact, if we ignore some of Antony's favourites who are alleged by Cicero to have received allotments, in Italy it was only veterans who benefited in the short period during which it was effective. (The application of the law to provincial colonization is considered on p. 258.) In January 43 it was repealed (*infra*) and Antony complained to the senate: 'veteranorum colonias deductas lege senatus consulto sustulistis.' We hear, for instance, of the assignation to military tribunes of the Ager Semurius near Rome, and more important, of the settlement of veterans in Campania; Antony refounded the Caesarian colony of Casilinum, though technically in Cicero's view he was only entitled to reinforce it with additional colonists, and tried to refound Capua (whose territory he abridged in the interest of Casilinum); some of the veterans who were to rally to Octavian had been settled by Antony.[4] It may be that the Caesarian colonies in

[1] *Off.* ii. 83–5. [2] App. *BC* ii. 135.
[3] Dio xlv. 9; Cic. *Phil.* v. 7, *cf.* 10; full references in *MRR* ii. 332 f.
[4] *Phil.* xiii. 31, 47, *cf.* ii. 43, 100 ff.; v. 3; vi. 13; viii. 26; x. 22. For the Ager Semurius, *cf.* Macrob. i. 10. 16.

Etruria and Picenum, where in 43 Ventidius recruited soldiers for Antony, were really founded by the Antonian commission; the colonists were Caesarian veterans, and the commissioners were merely putting Caesar's plans into effect.[1] The new law was passed, we may assume, to put patronage into Antony's hands and to widen the scope of the land-settlements, including civilians as well as soldiers; in addition it may have given the commissioners larger powers than Caesar's had, for (if we may credit Cicero) they had the right to distribute whatever lands, public or private, they wished to whomsoever they chose, and probably then to make compulsory purchases.[2] The main interest of their proceedings is in confirming that some of the veterans had not even been assigned lands before Caesar's death.

In annulling the Lex Antonia,[3] the senate claimed that it was not the intention to undo its work, so far as the veterans were concerned.[4] The decree moved by Cicero provided that the consuls should distribute among the veterans who had taken arms on the senate's side any land within the military colonies which was held in contravention of the Julian law (probably land distributed to the minions of Antony), that they should examine ways and means of increasing the 'commoda' of these veterans in the Ager Campanus, and that they should grant lands and other *praemia* to the Martian and fourth legions, as well as to deserters from the Antonian second and thirty-fifth legions, though 'sine iniuria privatorum'; presumably, if any private lands were to be taken, the owners were to be compensated.[5] This decree was given legislative force by a law presumably moved by the consul Pansa,[6] under which a new commission of *decemviri* was appointed; naturally patronage had to be taken out of the hands of L. Antonius and his colleagues. Cicero himself was among the *decemviri*—a tactless appointment, as he was suspect to the veterans.[7] Late in May 43, D. Brutus assumed that lands had to be found for the soldiers of four legions, evidently the seventh, eighth, Martian, and fourth legions, and that they could be settled on the allotments formerly given to veterans who had fought for Antony, on the Ager Campanus or on public land occupied by the Sullan *possessores*.[8] Of course the veterans of the seventh and eighth legions, who had followed Octavian, had already received allotments in Campania, but under Cicero's *senatus consultum* they were entitled to additional grants; it

[1] App. *BC* iii. 66, cf. p. 481 n. 7.

[2] Cicero complains of L. Antonius' wide powers, in the spirit of his objections to Rullus' bill, *Phil.* v. 7, 20; they extended to both public and private lands, xiii. 37, and even to property in Rome, which the commissioners presumably had the right to sell, xiv. 10.

[3] *Phil.* vi. 13.

[4] xiii. 31.

[5] v. 53; the motion was carried, vii. 10; App. *BC* iii. 51.

[6] *Phil.* xiii. 31.

[7] *Fam.* xi. 20. 1, 21. 1, cf. *Phil.* xii. 29.

[8] *Fam.* xi. 20. 3.

may be that other soldiers, who had been enlisted to bring these depleted legions up to strength, were also to benefit. The Martian and fourth legions were not among Caesar's veteran units, and Cicero's decree is plain evidence, if any were needed, that Caesar had confined himself to settling veterans of the Gallic war; no provision had been made for them before. Pansa's law was never implemented; it was left to the triumvirs to resettle the survivors of Caesar's veteran legions and to grant lands to the remainder of the soldiers who had been in service for some years, mostly from 49–48.

In conclusion, Caesar had to find lands for veterans far fewer than those settled by Sulla or the triumvirs, and some of them made their homes in the provinces. His work did not involve any great displacement of existing landholders, large or small. It cannot have made for any substantial increase in the number of small owners in Italy, all the more as the colonists mostly rejoined the colours, and many must have fallen in the hard fighting at Mutina and Philippi. Indeed any social and economic effects this limited settlement could have had were surely far more than offset by the conscription in 49–48 of tens of thousands of peasants for the civil war,[1] some of whom must undoubtedly have been small proprietors or tenants,[2] and who were still retained in service at his death and first given lands by the triumvirs in 41–40.

(vi) *Triumviral Allotments*

The triumvirs in 43 followed the example of Sulla in proscribing their opponents or men who were in any way associated with them. Appian reports that the proscribed included about 300 senators and 2,000 *equites*.[3] Naturally the estates of Brutus, Cassius, and their officers must have been sequestrated, as well as the property of the proscribed. The triumvirs were in great need of money for the war, and many suffered for their wealth, or because they possessed fine houses in town and country which the triumvirs or their friends coveted.[4] Sequestrated property was sold by auction, but as money was short, and it was actually dangerous to appear wealthy, the prices obtained at sales in 43/2 were low,[5] and the triumvirs had to resort to further exactions, forced loans, and taxes on those worth over 100,000 *denarii*. The owners were under obligation to declare the value of what they possessed, and were liable to severe penalties for concealment.[6] Owners

[1] Chapter XXVI, section (ii). [2] e.g. *Att.* viii. 12 B. 2.

[3] *BC* iv. 5; they added to the lists from time to time. The proscribed are estimated at 300 (Plut. *Ant.* 20) or 200 (Plut. *Cic.* 46; *Brut.* 27), senators alone at 140 (Florus ii. 16), 132 (Oros. vi. 18. 10), or 130 (*Per.* Livy CXX); two of the last three figures are presumably corruptions of that which Livy gave.

[4] App. loc. cit., cf. iv. 29 f.; Dio xlvii. 6. 5 f.

[5] App. iv. 31; Dio xlvii. 17. An ancestor of the emperor Vitellius made the family's fortune, Suet. *Vit.* 2. 1. [6] See pp. 122 f. The sources are not clear.

were also short of ready money, and must have been obliged to sell, in order to pay the taxes. Dio says that they were entitled to surrender all their property, presumably in lieu of paying the taxes, with the right to reclaim one-third of it thereafter; he suggests that it was hard to recover a third, once they had lost the rest; the matter is obscure.[1] As a result of the confiscations and taxation much property must have changed hands. Probably the triumvirs themselves, or their favourites, were able to acquire lands for a song; for instance, Hipparchus, a freedman of Antony, enriched himself in the proscriptions; he later settled at Corinth and became a duumvir.[2] Some property was still being auctioned by Octavian after his return from Philippi, and some probably remained in the hands of the new masters of the state.[3]

Appian tells that in 43–42 the soldiers asked the triumvirs to give them some of the property of the proscribed, and that they plundered the houses of men who were not even on the proscription lists and killed the owners.[4] But in 41 Octavian was accused by Antony's representatives of giving away to the soldiers, instead of selling, the lands of the proscribed.[5] This implies that it was no part of the triumvirs' original plan to divide up these lands among their troops. Much of the confiscated property was sold before the Philippi campaign, and at that time no veterans had received allotments from the triumvirs; they were needed for the war.[6] From the first the triumvirs intended to settle their men in colonies, which would be bulwarks of their own dominance, and this was what they did. When the proscribed possessed lands within the territory of one of the towns selected for this purpose, such lands were no doubt available for distribution, but in general the property sequestrated under the proscriptions and the capital levy of 43–42 must have been widely scattered, and was therefore of no use for the planned colonization. Probably the soldiers who did lay their hands on proscribed property were chiefly, as Dio indicates,[7] officers who could claim special rewards, perhaps also small groups of men who preferred to return to their home towns, when land was available there (cf. p. 329 n. 7).

It was clearly the rich who suffered from the confiscations of 43–42, whether their crime was political opposition to the triumvirs or wealth alone; to judge from the names of those whose death or escape is mentioned individually, they were drawn from all over Italy and not merely or indeed

[1] Dio xlvii. 17.

[2] Pliny, *NH* xxxv. 200, cf. *PIR*[2] A 838.

[3] App. v. 12, 20.

[4] App. iv. 35.

[5] App. v. 22. But Dio xlviii. 7. 1 f. says that they argued, alternatively, that the veterans could be satisfied out of the lands of those who had fought against the triumvirs.

[6] Dio xlvii. 14. 4 refers to promises of lands and the appointment of *geonomoi* in 43/2. For promises not yet fulfilled see App. iv. 96; 126. Division of lands begun after Philippi, v. 3; Dio xlviii. 2. 3.

[7] xlvii. 14. 5; only 'the more notable' received lands cheap or free; 17. 5 should be read in the light of this. Cf. App. v. 22.

mainly from the old senatorial families. But, as their lands were sold, and sold cheap, probably for the most part to partisans of the triumvirs, the change of property that resulted is more likely to have substituted one group of *latifondisti* for another than to have increased the proportion of small holders.

Provision was to be made for the soldiers by confiscation of lands in specified towns. At Bononia in 43 the triumvirs 'decided to encourage the army at once with respect to the prizes of victory in the war by various gifts and, in particular, by the grant for settlement of the eighteen Italian cities which were pre-eminent in wealth, lands, and the splendour of their houses.... Among these cities the most distinguished were Capua, Rhegium, Venusia, Beneventum, Nuceria, Ariminum, Hipponium.'[1] The names of these cities seem to have become public, even though no distribution was effected until 41; for on the eve of the Philippi campaign Octavian exempted Rhegium and Hipponium (Vibo), for fear that they might go over to Sextus Pompey.[2] Further, in 41 the veterans 'demanded the cities which had been selected for them for their excellence before the war'.[3]

Dio says that in 41 Octavian began to divide up 'all Italy', apart from lands that veterans had already obtained by allotment or purchase. This statement may reflect Antonian propaganda (cf. p. 327 n. 5) that he was apportioning 'almost all Italy instead of the 18 designated colonies'.[4] Appian states that in the Perusine war not only the cities designated for settlement but almost the whole of Italy took Lucius Antonius' side, in apprehension of like treatment.[5] It was evidently feared that the distributions would not be confined to the designated cities, which were now 16, as Rhegium and Vibo had been exempted. But I have estimated the number of veterans entitled to allotments as not more than about 50,000, though some others who were not strictly eligible, 'the unworthy', may have also contrived to secure grants (pp. 488 ff.). Traditionally colonists had seldom exceeded 3,000, and on this basis 16 cities would have sufficed for the claims of the veterans. We need not think that the triumviral colonies were much, if at all, larger. True, the men from two legions were settled together at Ancona,[6] and at Luca, if the legionaries of XXVI and VI who received lands there were not discharged after Actium rather than in 41.[7] This kind of settlement was inevitable if men from 28 legions were to be accommodated in 16 towns, and we must remember that the number of veterans in any single legion who were entitled and wished to receive *praemia* was not large; thus the colonies at Ancona and Luca need not have been exceptionally strong.

[1] App. iv. 3. Beloch, *RG* 516, gave up his former emendation of Nuceria to Luceria, cf. Mommsen, *GS* v. 212 f.
[2] App. iv. 86, cf. Mommsen, *GS* v. 211 n. 4.
[3] App. v. 12. [4] xlviii. 6. 3, cf. App. v. 22.
[5] App. v. 27, e.g. Nursia and Sentinum (Dio xlviii. 13. 6).
[6] App. v. 23.
[7] *ILS* 887.

Taken by itself, Dio's statement could merely mean that the land distributions affected all parts of Italy. A complete and certain list of triumviral colonies in Italy cannot be drawn up; of some 40 colonies founded between 41 B.C. and A.D. 14 only a few can be distinguished with confidence as either triumviral or Augustan (Appendix 19), but undoubtedly attested colonies of 41 were widely scattered—Ancona (p. 328 n. 6), Beneventum,[1] Capua,[2] Cremona,[3] Pisaurum,[4] Venusia.[5] However, it would appear that other cities did suffer besides the 16 remaining on the old list. This probably happened in two ways. In the first place, towns adjacent to the listed cities sometimes lost territory to the new settlers. Appian says that Antonian officials, when founding colonies, permitted outrages, evidently including the confiscation of lands, against neighbouring cities;[6] it is unlikely that Octavian's agents behaved any better. The known instance is that of Mantua, which had to forfeit lands to the veteran colonists at Cremona, without herself becoming a colony (see note 3). This might be enough to explain Manius' charge that Octavian had not limited his confiscations to the 18 cities. But secondly it may well be that small groups of veterans were settled in places which did not acquire the rank of colony; this must be so, if there is any truth in references in the *Liber Coloniarum* to triumviral assignations in the territory of cities which remained *municipia*.[7] This may have happened where land already confiscated was available for distribution to men who desired to return to their place of origin. Not all soldiers were landless,[8] and they must sometimes have preferred to extend the paternal farms they owned, rather than to take allotments in distant places.

If the veteran settlers in any colony were no more numerous than suggested, it may seem strange that it should ever have been thought necessary

[1] *ILS* 886, cf. App. iv. 3. [2] App. loc. cit. Vell. ii. 75. 1; *CIL* x, p. 368.

[3] Pliny, *NH* iii. 130; Hyg. 170. 19 L. Virg. *Ecl.* ix. 26 ff., *Georg.* ii. 198 refers to the loss of Mantuan lands to the colonists here. The evidence of ancient biographers of Virgil is conveniently quoted in Ribbeck's Teubner edition of Virgil (1872), p. xviii; note Probus p. 5 K.: 'unde factum ut Vergilius quoque agros amitteret quos sexaginta veterani acciperent', the inevitable meaning of which is that Virgil's lands accommodated 60 veterans and that he was by birth a very rich man. Mantua remained a *municipium*.

[4] Plut. *Ant.* 60.

[5] *CIL* ix, p. 44, cf. App. loc. cit. Horace's description of himself after Philippi as 'inopem paterni et laris et fundi' (*Ep.* ii. 2. 50 f.) could be explained by the hypothesis that he suffered an individual penalty as military tribune in Brutus' army.

[6] App. v. 14.

[7] Mommsen, *GS* v. 217 ff. collects the references. Triumviral activity is recorded at Falerii, Formiae, Interamna Lirenas, Ligures Baebiani, Nepet, Setia, Signia, Volaterrae, Urbs Salvia, which remained at this time *municipia*, and at Allifae, Florentia, Luna, Telesia, which were indeed colonies but where there is no other evidence for triumviral foundation or refoundation. 'Aactium' is corrupt. Ulubrae is not attested elsewhere as a colony, but the *Liber Col.* may be right. There is independent confirmation for Aquinum, Beneventum, Bovianum (?), Firmum, Tuder. In my view Mommsen wrongly lists Veii here; the *Liber* rather refers to assignations by Caesar and then by Augustus.

[8] Cf. Cic. *Att.* viii. 12 B. 2. Caesar's veterans, who had re-enlisted, would naturally have returned to their old allotments, which were perhaps enlarged.

to annex for their benefit lands in neighbouring territories. However, it was probably intended to stop well short of the total expropriation of the old inhabitants of any city, and it was clearly fairer to spread the loss of property among the civilians, so far as that could be done without reducing the value of the settlements to the triumvirs as *praesidia* and the security of the colonists themselves.[1] The loss was very severe to the expropriated, for there was no compensation, though Lucius Antonius held out vain hopes that his brother would return from the east with money for the purpose,[2] and it was the practice, according to Dio, to take not only their lands but their slaves and *instrumentum fundi*.[3] Evidently the owners who were deprived were often men of substance, e.g. members of the local curial class, and the veterans were given allotments of some size, which they would require slaves to work. The 18 cities had been selected originally not only for the fertility of their lands but also for the fineness of their villas. However, we cannot be sure that all the expropriated were relatively rich. Octavian made grants of money to the veterans, which he obtained by forced loans from temples and probably also from the proceeds of sale of the property of the proscribed, and these grants may have been intended not merely to relieve their immediate needs but to set them up in their farms, if seed and equipment were lacking.[4] It was only as a result of indignant protests that he is said to have given up the distribution of farms smaller than the veteran allotments, and the veterans themselves complained that their own kin, and parents and children of their fallen comrades, had suffered; the lands of the latter were restored, but other small farmers were probably less lucky.[5] In so far, indeed, as small farms were spared, there was less acreage to be distributed in the territory of any single city. Octavian is also said to have renounced the practice of taking lands belonging to senators or forming part of dowries; and the good fortune of Virgil illustrates how individuals might escape confiscation through the intercession of powerful patrons.[6]

It is hard to judge the general effect of these settlements for the social and economic condition of Italy. But on the whole it would seem likely that it was in the proscriptions that *latifundia* were sequestrated, the property of men conspicuous for their political affiliations or for their wealth alone, and that these *latifundia* were for the most part sold and not divided up. The

[1] The designated cities demanded that others should share their burden, but Octavian needed *praesidia*, App. v. 12.

[2] Dio xlviii. 7. 2. The triumvirs had promised their soldiers at Philippi 5,000 *denarii* each, and more to officers, App. iv. 120; Plut. *Ant.* 23, and Antony had gone east to extort the necessary money, App. v. 3.

[3] xlviii. 6. 3.

[4] App. v. 13, 22, 24, 28: an excuse was apparently the need for money to fight Sextus Pompey. Dio xlviii. 12. 4 says the temples were raided to finance the Perusine war.

[5] Dio xlviii. 9. 3. For exemption of previous veteran allotments, cf. 6. 3. This might perhaps include allotments made under Caesar's law of 59 B.C.

[6] Ibid. 8. 1 and 5, 9. 1. Virgil: *p.* 329 n. 3.

veterans in general probably received estates of middling size at the expense of owners who had had similar estates themselves, though smaller farms may at times have been thrown together to make up a veteran allotment. We must also not forget that large proprietors often, perhaps usually, held many middling farms in different parts, and may have sustained losses, where such farms were in the territories of the new colonies; on the other hand, they were precisely the people who could bring influence to bear and secure exemption; the immunity enjoyed by senators is significant.[1]

The size of triumviral allotments is unknown. Hyginus who refers frequently to the procedure of Augustus twice mentions the division of a century of 200 *iugera* into three farms,[2] and I once inferred that triumviral allotments were on this scale.[3] This is not justified; quite apart from the fact that there is no reason to think that Hyginus had triumviral allotments in mind rather than those made after Actium, he is merely taking the division of a century into three as an illustration of the way in which a division could be effected. Probably the illustration is not purely theoretical, but it could be that only centurions were given such substantial holdings. Allotments must have varied in size with the quality of the soil and the rank of the recipients (section ii). The *Liber Coloniarum*, whose authority may always be doubted, says at Volaterrae allotments of 25, 50, 35 and 60 *iugera* were granted 'lege triumvirali';[4] Volaterrae is one of the places where no colony was founded, but where a group of veterans may have been sent back to their home town.

In 36 Octavian discharged, much against his will, 20,000 soldiers who had served at Mutina and Philippi as time-expired. It is apparent that not all the soldiers in this category insisted on being released, and some of those who did changed their minds, and re-enlisted in a single legion; they were soon disbanded again, but it would seem that they returned to the standards before the outbreak of war in 32.[5] We learn from our sources that some were settled in Campania, on public land and on land that Octavian bought, and that others were sent to Gaul, perhaps to reinforce the Caesarian colonies there.[6] It seems safe to assume that some 3000 were settled at Tauromenium in Sicily, a colony that may be dated to this year (Appendix 15). Naturally we cannot give an exhaustive list of the places where they were settled. I reckon the number permanently discharged at about 15,000.

[1] App. v. 15, 19, 39, 43, 53 calls the dispossessed *γεωργοί*. That need not imply that they were really all or mostly working farmers, *cf.* Cicero's use of 'aratores'.

[2] 199. 14 ff., 201. 3–6 L. C. E. Stevens, *JRS* xxxii, 1942, 70 ff. makes too much of this illustration.

[3] *AL* 83.

[4] 214. 10 ff. L.

[5] App. v. 128 f.; Dio xlix. 14, 34; Oros. vi. 18. 33. Dio alleges that some had served for over 10 years; perhaps men enrolled in the praetorian guard after Philippi.

[6] Dio, loc. cit., cf. Vell. ii. 81. Octavian cannot have compensated Capua with lands at Cnossus until after Actium.

(vii) *The Settlement of Soldiers, 30 B.C.–A.D. 14*

After Actium Octavian incorporated Antony's legions in his own army and 'then sent back to Italy the citizens in both forces who were over age, without giving anything to anyone'; fearing mutiny, he was in haste to discharge the veterans, and to disperse the rest. However, in Italy the veterans proved so turbulent that in the winter of 31–30 he had to return himself and give 'money to some, and land in addition to those who had served with him throughout', i.e. not to former soldiers of Antony, Lepidus, or Republicans. For this purpose, he expelled the inhabitants of communities which had favoured Antony and gave their lands to veterans. Dio says that he compensated most of the expropriated by giving them lands in Dyrrhachium, Philippi, and elsewhere (evidently in the provinces); to the rest he paid money or promised to do so. His outgoings still exceeded his revenue. To secure ready cash, he advertised for sale his own estates and those of his friends, or offered to exchange such lands with those required for distribution; however, no bidders appeared. (It might be asked why he did not simply use his own lands and those of his friends to settle the veterans. Clearly, he wished to place them in colonies; like Sulla, he needed *praesidia* against the day when he would demit his absolute power; it would have been inexpedient to scatter them wherever estates could be parcelled out.) Dio, whose account I follow here, adds that in the end compensation was paid out of the spoils of Egypt.[1] Augustus dates payment to 30, but his statement is surely anticipatory;[2] even the allotment of lands to veterans must have been a prolonged process, not completed in that year,[3] and in 30 Augustus can hardly have done more than accept an obligation to pay for land taken.

Who were entitled to grants and how many? In the first place, Hyginus[4] says that Octavian did not differentiate between his own soldiers and Antony's. Among the latter we might reckon the legionaries who surrendered in Cyrenaica and Egypt as well as at Actium. However, only veterans were eligible, and probably Antony had brought nearly all his veterans to Actium. Dio indeed shows that Antony's and Lepidus' men did

[1] Dio li. 3. 1 f., 4. 2–8; Octavian was in Italy for only 27 days (Suet. *Aug.* 17. 3). For the Macedonian colonies see Appendix 15. Brixia, *colonia civica Augusta*, and some Illyrian towns, perhaps also Carthage (Appendix 15), may also have received expelled Italians. Dio l. 6. 3 claims that in 32 Octavian had either terrorized the Antonian colonists of 41–40 or won them over by favours, e.g. by giving a new charter to those at Bononia. Suet. *Aug.* 17, however, says that he had then excused the Bononians, as old clients of Antony, from taking the oath of allegiance to him. It seems probable that Dio has confused facts and dates, and the pro-Antonians at Bononia were turned out in 30 and that he then founded or refounded the colony there, for which cf. Pliny, *NH* iii. 115; xxxiii. 83 (Mommsen, *GS* v. 214).

[2] *RG* 16. 1.

[3] Oros. vi. 19. 14 who dates the colonies to 30. But see pp. 79, 313.

[4] 177 L. Hyginus deals here with all Augustus' colonies; he is not writing specifically of 30 B.C. Cf. also Suet. *Aug.* 17: 'ex omni numero'.

not obtain quite equal treatment; they were not discharged so soon, and probably they did not receive lands in Italy; clients of Antony, perhaps including veterans settled in 41, were actually expropriated and sent to colonies overseas at this time.

Secondly, who were, in Dio's phrase, 'over age'? In 13 B.C. Augustus fixed the period of service for praetorians at 12 years and for legionaries at 16. In A.D. 5 he raised these terms to 16 and 20 respectively.[1] However, even at the end of these terms, legionaries could be retained 'apud vexillum' with nominally lighter duties; the mutineers of A.D. 14 complained that they were sometimes kept in service for 30 or 40 years, and inscriptions confirm their statements.[2] By the end of the first century it had become normal to discharge men after 25–6 years.[3] It seems then that ultimately the late Augustan period of 20 years' service was extended by a quarter. If the earlier limit of 16 years was proportionately extended, then even before A.D. 5 a man could in practice have been required to serve 20 years, the maximum number of *stipendia* that could be demanded of citizens when Polybius wrote (p. 399). One inscription actually shows a soldier performing '(stipendia) militaria XVI veteranorum IV evocativa III'; but he went on to be a senior centurion, and could easily be quite untypical.[4] The fact that Dio makes no mention of any requirement to serve additional years 'sub vexillo' either in 13 B.C. or in A.D. 5 suggests that the government did not yet regard the extension of service as a necessary obligation, though probably it had become common (p. 341). Even the term of 16 years' service was longer than had been usual before Actium; most of the veterans who were paid off in 30–29 certainly cannot have served so long. Probably the arrangements announced in 13 were based only on Augustus' most recent practice.

In 41–40 men recruited in 48, or more probably at any time before Caesar's death, received land allotments,[5] except for some 8,000 who volunteered to remain in service, and for some former soldiers in the Republican army. In 36 20,000 men enlisted in 44–43 successfully claimed discharge with *praemia* (p. 331). The veterans paid off in 30–29 should have included at least all who had been under arms since the end of 43, and I shall argue that it was in fact only men in this category who were disbanded, and that recruits of 42–40 were allotted lands in colonies founded between 30 and 14 B.C.; some can be dated to 25, and the settlers had presumably

[1] Dio liv. 25. 5 f.; lv. 23. 1. In 13 he fixed a scale of *praemia* to be given in money ἀντὶ τῆς χώρας ἣν ἐλάμβανον; it would have remained natural for them generally to invest the bounties, and any savings, in land, cf. *AL* 82 f.; and in fact the government always continued to give land at times in lieu of money (cf. Tac. *Ann.* i. 17; Forni 38 ff.). In A.D. 5 the bounties were fixed at 20,000 sesterces for praetorians, 12,000 for legionaries. It is not clear that these sums differed from those determined in 13.

[2] Tac. *Ann.* i. 17, 35. 2. For 4 years' extra service 'sub vexillo' and its nature, ibid. 36. 3. Cf. p. 335 n. 1.

[3] Forni 38. [4] *ILS* 2649. [5] Chapter XXVI, section (iv).

served for a maximum of 17 years. It is plain from the stress Augustus lays on his munificence in paying *praemia* in 14 that in that year men were discharged on a scale comparable with what had occurred in 30. It is arguable that some had been enlisted on the very eve of the Actian war and had served only 16 years, but I believe that they must have included many who had been recruited by Octavian for the war with Sextus or by Antony in the east to make good losses sustained in his Parthian campaign. The term of service was thus lengthening out, perhaps by the device of retaining veterans 'sub vexillo' (above); when Augustus promised in 13 to discharge soldiers after 16 years, he may have had it in mind that he could continue to keep them for longer in that way, if occasion demanded. He boasts of paying *praemia* to soldiers discharged in 7–2 B.C.,[1] who might have been recruited in 23–18 B.C., but may well have served since 25 or earlier, replacing veterans discharged then.

As soldiers were evidently disbanded on a large scale in 14 B.C., there should also have been a great recruiting drive about the same time. The recruits of *c.* 14 B.C. were eligible for discharge in A.D. 2. Similarly soldiers enlisted to replace men demobilized in 7–2 B.C. were entitled to release in A.D. 7–12. It is evident that the government could not honour its undertaking to discharge them. Augustus mentions no further grants from his own resources after 2 B.C. In A.D.6 he created a new public fund for the payment of *praemia*. For the future, this was to be fed by taxes on citizens; to provide it with immediate resources, he contributed 170,000,000 sesterces from his own pocket. Dio explicitly connects this financial measure with the revision of the term of service decreed in the previous year.[2] Probably Augustus had already found it impossible to pay off soldiers in A.D. 2–3, as promised, and had resorted to keeping them in service 'sub vexillo'.[3] If it was his intention that they should not serve 'sub vexillo' for more than 4 or 5 years, then men enlisted in 14 B.C. could now expect discharge in A.D. 6–7. The revised system announced in A.D. 5 was surely to apply to all who were still under arms. But it remained necessary to provide the money to meet the government's new undertakings, and discussions with the senate were protracted before the *aerarium militare* could be established in A.D. 6.[4] Augustus' gift to the new treasury was to enable it to fulfil immediate claims, before the new revenues began to come in. But with *praemia* fixed at 12,000 sesterces, it sufficed at best for 14,000 men. And the military exigencies of the Pannonian and German revolts may have made it impossible to demobilize even so many; at most, the government may only have paid off soldiers unfit for active work, or stationed

[1] *RG* 16. 2.
[2] *RG* 17; Dio lv. 24. 9–25. 1.
[3] Dio lv. 23. 1 says the soldiers had been unwilling to serve more than the stated period. They must have been compelled!
[4] Dio makes the discussions begin in A.D. 5.

far from the scene of warfare. Hence, few soldiers were demobilized after 2 B.C., and the mutineers of A.D. 14 complained that they had been serving 30 or 40 years. Inscriptions in fact attest such long periods of service;[1] by A.D. 14 men enlisted in 14 B.C. would have been under arms for 28 years. They had been engaged on terms entitling them to discharge after only 16 years; and it was the fulfilment of this undertaking that they demanded; evidently they took the reasonable view that the extension of the period to 20 years in A.D. 5 should not affect them retroactively.[2]

In considering the rate and times at which Augustus discharged veterans, we therefore have to bear in mind that the period for which he thought it necessary to keep soldiers under arms progressively lengthened in his lifetime.

In 30 B.C. one would expect that he would have felt it inevitable to discharge men who had already served appreciably longer than some of the veterans paid off in 41–40 and in 36, i.e. all who had been serving since 43.

Now at the end of 43 the triumvirs probably had about 200,000 legionaries. Of these about 80,000 were veterans; apart from 8,000 who volunteered after Philippi for praetorian cohorts, they were either lost in the war or settled on the land in 41–40; I have estimated the number of colonists at about 50,000 (Chapter XXVI, section iv).

How many of the remaining 120,000 survived by 30? Over Augustus' lifetime as a whole it will appear that 2 out of every 5 soldiers died on service. The present class did not serve as long as most of their successors; on the other hand they saw heavier fighting than many legionaries did after 27—in the Perusine, Sicilian, Illyrian, and Parthian wars; the roll of casualties cannot have been high in the Actian campaign itself. If we apply the 60 per cent rate, the survivors numbered 72,000 by 30. To these we must add the survivors of 38,000 men (or more), comprising (*a*) the 8,000 veterans retained as praetorians after Philippi; (*b*) at least 14,000 of Brutus' troops re-enlisted at the same time (p. 488); (*c*) some 16,000 (4 legions) under Domitius Ahenobarbus and Staius Murcus, who ultimately passed into the armies of Antony and Octavian respectively (pp. 497–9). On the same 60 per cent ratio, they would have numbered about 23,000 in 30. From the resulting total of 95,000 we must deduct 15,000 men already discharged in 36 (p. 331). In round figures there were about 80,000–90,000 to be settled after Actium (the number of Brutus' legionaries re-engaged after Philippi has perhaps been underestimated).

However, many more men had been enlisted in 42–40 (Chapter XXVI, section iv), most of whom were probably retained after the pact of Brundisium.

[1] Forni 38; they may belong to Tiberius' reign.

[2] *Ann.* i. 17; 'ut . . . sextus decumus stipendii annus finem adferret, ne ultra sub vexillis tenerentur' (cf. Dio lvii. 4. 2). The demand was conceded (ibid. 52), but the concession was withdrawn in A.D. 15 (ibid. 78); Dio lvii. 6. 5 telescopes the two decisions.

If the precedents of 41 and 36 were followed, these men too, having served for 10 years or more, would also have been eligible for allotments.

How many men did the triumvirs retain in their armies in 40? I have tried to show in Chapter XXVI, section (vi), that in 36 Antony had 22 or 23 legions, whose average strength was then apparently only 3,750. He then had about 83,000 men, corresponding to about 90,000 in 40. If the pact of Brundisium was intended to establish parity between Octavian and himself, Octavian's forces, which we cannot estimate so readily (Chapter XXVI, section v), should have been equally large at that time. In addition Lepidus had 10 legions in Africa; when he had raised the number to 16 in 36, all the units were only 'semiplenae', and it would perhaps be reasonable to assess the complement of his legions in 40 at 35,000. To the resulting total of 215,000 we must add the men of Staius Murcus' 2 legions, which first came under Octavian's command in 36. Hence the long-service soldiers with the standards in 30 were the survivors of about 223,000 in 40. Now these men can be divided into four classes:

(*a*) 8,000 praetorians enlisted before 44;
(*b*) at least 30,000 ex-Republican legionaries;
(*c*) triumviral soldiers enlisted before Philippi;
(*d*) men recruited in 42–40.

The third class originally comprised 120,000 (200,000—80,000). But casualties must be deducted. I reckon (p. 493) that rather under 10,000 of this class perished in the Philippi campaign. Losses in the *bellum Perusinum* probably fell mainly on L. Antonius' new recruits. In the east Antony had 8 legions in 42–41, and even if he left 5 in Macedon and took only 3 with him to Asia, surely a minimum estimate, some 15,000 men were lost, as the legions in Syria were overwhelmed by the Parthians. It looks therefore as if the survivors of the third class at the time of the pact of Brundisium can hardly have exceeded 95,000. Hence up to 90,000 more soldiers must have been recruited in 42–40, a time in which there were bitter complaints of the levies (p. 409). (This estimate can be reduced in so far as the number of ex-Republican legionaries has been underestimated.[1]) If we assume, in view of the heavy fighting in the 30s, that wastage was at a higher rate than 2 per cent per annum and that about a third were lost by 30 in the fourth class, as well as from the total of men serving in 40, then the total number

[1] The evidence on the number of legions existing by 41 is compatible with the hypothesis that some 90,000 men were recruited in 43–41. The triumvirs left 21 legions in the west in 42 and after Philippi Octavian brought back 3. But at the close of the Perusine war he had 40 at his disposal, not 24. This may be a round total, and it probably excludes the 4 legions under Sextius in Africa, of which 3 were newly raised (p. 483), while of the Antonian forces engaged in the Perusine war we do not know that Pollio's 7 legions had disbanded. It is then quite possible that in all 26 new legions had been formed and were still in being, many or all doubtless far below nominal strength. For the evidence see Chapter XXVI, section (iv).

of men eligible for discharge after Actium was about 145,000, of whom 60,000 had been enlisted after Philippi. At a more normal rate of loss the total would be 178,000.

We thus have two rival estimates of the number of veterans entitled to allotments in 30: 145,000 or 85,000. Naturally both figures do no more than indicate two different orders of magnitude.

Augustus says in the *Res Gestae* (16.1) that in 30 and 14 B.C. he paid out about 600 million sesterces for Italian land and about 260 for provincial, when assigning allotments to veterans. Unfortunately these sums give us no clue either to the acreage distributed or to the number of men settled in both years taken together, let alone in each separately. It is indeed improbable that in 14 he founded new military colonies in Italy, with all the disturbance that expropriations involved, but he may well have bought lands in Italian colonies and *municipia* for small groups of men even in that year.[1] In 30 some veterans were certainly settled abroad.[2] Thus we cannot assume that the distributions in Italy belong entirely to 30 and those in the provinces entirely to 14, and even if we could, we do not know the average price of land, which doubtless differed from one region to another, nor the size of allotments; moreover, some veterans were presumably settled on sequestered land, for which Augustus paid nothing,[3] as in 25 at Augusta

[1] Augustan assignations are alleged in the *Liber Coloniarum* at Acerrae, Aesernia, Ameria, Atella, Castrum Novum in Picenum, Consentia, Fundi, Graviscae, Liternum, Teanum Sidicinum, Castrum Truentum, Volturnum, which all remained *municipia* after A.D. 14, or, if colonies, are not otherwise known to have been founded or refounded by Augustus; to these add Aternum, a mere *pagus*, and Nuceria, in Mommsen's view a triumviral colony; Augustus may have brought in new settlers later. Land could naturally have been allotted in these places at any time in Augustus' principate. The *Liber Coloniarum* also claims Arretium as an Augustan colony; the distinction between Arretini veteres, Arretini Fidentiores, and Arretini Iulienses in Pliny, *NH* iii. 52 lends support; these were probably the pre-Sullan, Sullan, and Augustan elements in the population. Cumae, colonia Iulia, Cupra Maritima (under IIviri), and Puteoli, later colonia Neronensis Claudia Augusta, may be colonies correctly attributed to Augustus.

[2] Dio li. 3. 1 indeed makes out that all veterans to be disbanded were sent back to Italy in 31. This is probably an exaggeration. Some may have been discharged a little later, and some sent on from Italy to a provincial colony.

[3] [Columella reckoned the price of Italian and perhaps provincial land in his day prior to planting of vines at 1,000 HS *per iugerum* (iii. 3. 8). On this basis 155,000 veterans settled in 30 and 14 (p. 341) would have been allotted on average only 5⅓ *iugera*; this is quite unacceptable; 30 is more likely as a minimum (cf. 295 f., and esp. Keppie cited there). Duncan-Jones, *ap.* M. I. Finley, *Studies in Roman Property*, 1976, 11, holds that his price is exaggerated, perhaps by twofold for Italy and more for the provinces. and that the compensation Augustus paid, 'secundum reditus' according to Hyginus 197. 11 L., was anyhow not based on market prices, all the more as the increase in the money supply, resulting from Augustus' expenditure *c.* 30 from the spoils of Egypt, is said to have raised (Dio li. 21. 5) or doubled (Orosius vi. 19. 19) all prices. Yet we hear nothing of complaints from Italians that he did not pay fair compensation, and by 30 he was seeking golden opinions in Italy. It looks as if Augustus must still have made much use of land already in the public domain in Italy, and very probably he paid very little *per iugerum* for provincial lands allotted, including those in Macedon on which he settled the Antonians expelled from Italy, who themselves need not have received any other recompense. What the provincials thought could be disregarded by the government of the day, and by Roman historians.]

Praetoria (p. 171 n. 4); probably too the Sicilian colonies of 21 (Appendix 15) were facilitated by earlier confiscations, made in 36. ('This fact helps to explain why Augustus takes no credit in the *Res Gestae* for personal munificence to soldiers except in 30, 14, and 7–2 B.C.: these were not the only years in which veterans were discharged and rewarded, but the only years in which Augustus had to meet the cost, at least on a large scale, out of his own purse. Moreover, he does not name all his acts of liberality in the *Res Gestae* but only the most memorable.[1] There is also of course the possibility that the costs of *praemia* were met on occasions from the resources of the treasury.)

At first sight it looks as if more can be inferred from his claim that in 29 he distributed a 'triumphale congiarium' to 120,000 'colonis militum meorum';[2] this might seem to fit closely enough the higher of our two rival estimates. But reflection shows that this is not so. Who were these 'coloni'? Did they not include men already settled in 41–40 and 36? Of course those veterans had taken no part in the victory and were not entitled to gifts at the triumph. Still, the majority were Octavian's old soldiers, and they were still useful to him as bulwarks of his dominance. The men who had served under Antony and were settled by his agents in 41–40 could indeed hardly have been included. They were not at any time Octavian's soldiers and he apparently did not count Antonian colonies in the 28 'mea auctoritate deductas' (Appendix 17). Antony's veterans may well have been among the Antonian partisans who were expelled from Italy in 30/29 to make way for the new veteran settlers. Still, we can assume that half the 50,000 colonists of 41–40 were Octavian's soldiers, and adding 15,000 settled permanently in 36, we may reckon their survivors in 29 at 30,000–35,000; if all these shared in the *congiarium triumphale*, the most recent colonists cannot have exceeded 80,000–85,000, as in the first of our rival estimates. It is no objection that some of these colonists were allotted provincial lands; they must have received the *congiarium* in their colonies, not at Rome. It may, however, be argued that the estimate of 80,000 includes legionaries who had been serving under Antony, and that it would have been anomalous to reward them on the occasion of a triumph over their own general. The argument is not strong. In 31 Antony's men deserted him after very little fighting, and the aftermath of Actium was a time for a union of hearts, not for discriminations that might prolong bitterness. They unquestionably received land: why not cash as well?[3]

[1] The benefactions summarized in the Appendix to the *Res Gestae* exceed those he names himself.

[2] *RG* 15. 3. In my view the *coloni* can include men settled in *municipia*, cf. p. 300 n. 4, and also those who had not yet received promised allotments.

[3] The number of Antony's soldiers who qualified for discharge, if only men enlisted before Philippi were eligible, could be below 30,000.

Confirmation of the lower estimate may be found in a scrutiny of the rhythm of subsequent disbandments of soldiers.

In the *Res Gestae* Augustus says that he had about 500,000 soldiers 'sub sacramento meo', of whom 300,000 received lands or money from him on discharge.[1] These totals should exclude the men Antony, and not he, commanded at Philippi and who were settled in Italy by Antony's officers; unlike Antony's soldiers in 30, few of them took an oath to Octavian.[2]

Now at the end of his reign Augustus had 25 legions in service; together with praetorian and urban cohorts, they mustered nominally 167,000 men, actually perhaps 140,000. Before the loss of Varus' 3 legions, the number of citizen troops probably a little exceeded 150,000. Whether Augustus wrote the sentence just quoted before or after A.D. 9, it is evident that he cannot have included in his grand total the men still serving. If he had done so, this would mean that only 50,000–60,000 of his soldiers did not live to receive their *praemia*. Judged by peace-time wastage in the British army of the nineteenth century (p. 134), or what evidence there is for wastage of Republican legions (Appendix 27), this would represent far too low a proportion, especially as it covers a period in which there were many wars. On the other hand, it is wholly plausible that 2 out of every 5 recruits raised by Augustus from 44 failed to survive.[3] It is on this basis that I have estimated wastage at two-fifths of all serving soldiers or roughly 2 per cent a year. (Men discharged in 41, 36, and 30 had of course served much less than the average time, but these classes incurred especially heavy casualties in fighting.)

Now in 41–40 and 36 Octavian discharged some 40,000 of his own veterans (*supra*). Hence, he discharged 260,000 between 30 B.C. and A.D. 14. Does it make better sense to suppose that of these at least 145,000, or 85,000, were discharged after Actium?

It is clear that very few men were released after 2 B.C. (*supra*) and that demobilization was on a large scale in 14 B.C. as well as in 30. But in 7–2 B.C. Augustus also spent about 400 million HS on cash bounties. Perhaps the *praemia* payable on discharge were already fixed at the rates reported by Dio for A.D. 5, viz. 20,000 for praetorians and 12,000 for legionaries; if so, the sum Augustus names would have provided for 30,000 legionaries and 2,000 praetorians. (I do not think that the *praemia* could have been higher; if they had been less, more men could have been paid off.[4]) Now if the men discharged in 7–2 B.C. had served for 16–20 years, they would have been enlisted between 27 and 18 B.C. It is natural to suppose that they replaced other soldiers discharged within those years, and in fact we know that some military colonies were founded within this period; it is no objection, as

[1] *RG* 3. 3.

[2] For exceptions see App. *BC* v. 31.

[3] Desertions might be a factor.

[4] Dio lv. 23. 1 in fact suggests that the *praemia* were raised in A.D. 5. It is impossible to determine the relation these monetary *praemia* bore to the value of the earlier land allotments, cf. p. 337 n. 3.

shown above, that Augustus does not record any acts of munificence to veterans in these years.[1] If 30,000 soldiers were discharged in 7–2 B.C., they should have been the survivors of 50,000 recruited 20 years previously, and we might then suppose that 50,000 men had been discharged in 27–18 B.C. They could well be the survivors of the 90,000 recruits of 42–40, of whom some 54,000 might have survived till discharge.

Again the demobilization in 14 B.C. presupposes that there were many soldiers who had enlisted in or before 30. Now if the incorporation of XXII Deiotariana in the imperial army is not later than the death of king Amyntas of Galatia in 25 (p. 506), then in view of the duplication or triplication of the numbers of some legions we must assume that by 25 there were already 27 legions in being, comprising with the praetorian cohorts 176,000 men, if at full strength, or more probably 150,000. It is virtually impossible to determine how many men Octavian had under his command after Antony's troops had gone over to him in 31–30, but they can hardly be put under 250,000 (Chapter XXVI, sections v and vi). If he discharged 145,000 men, he must then probably have recruited at least 45,000 to bring his forces up to the level required. But a great recruiting drive, just at the time when he was boasting of the establishment of peace, would have been impolitic. Moreover, the settlement even of 85,000 veterans, the majority in Italy, was an operation on as large a scale as had been attempted in 41 and, in so far as it was accompanied by expropriations in Italy, it was sure to stir resentment, mitigated rather than removed by the payment of compensation. Octavian must also have desired to keep with the standards as many seasoned soldiers as he could, and now that he was master of the state, he was rather less amenable to military pressure, though the veterans gave him much trouble in 30. On all these counts I think it probable that it was only men recruited not later than 43–42 who benefited from allotments after Actium and that men enlisted in 42–40 had to wait a few years before receiving their *praemia*, and those recruited for the war with Sextus, or by Antony to make good his losses in the Parthian war, as well as those engaged by Octavian on the eve of the Actian war, may have been deferred until 14, when many had served for 20 years or more; naturally some of the recruits of 36 may have been lucky enough to obtain allotments a little earlier in provincial colonies.

Now if we suppose that the number of citizen soldiers in 31 was about 250,000, the total might have comprised

(*a*) 85,000 survivors of the pre-Philippi recruits;

(*b*) 60,000 survivors of the 42/40 class;

[1] e.g. in Lusitania, Sicily, 'Pisidia', and Mauretania (Appendix 15); at all times small numbers of men probably returned to their home towns. It is quite unnecessary and most improbable to suppose (Levick 60) that any of the veterans settled at Pisidian Antioch had been enlisted as early as 44. Their Italian names are consistent with recruitment *c.* 40. For recruitment after 27 see R. Syme, *JRS* xxiii, 1933, 19 ff.

(*c*) 105,000 survivors of recruits enlisted in the 30s, perhaps
  (i) 65,000 raised up to 35;
  (ii) 40,000 raised for the Actian war from 34 (see Addenda).

Of these the men in class (*a*) were paid off in the post-Actium allotments, and those in class (*b*), probably reduced to about 55,000, before 14. By 14 the survivors of class (*c*), at a wastage of 2 per cent, would have numbered about 70,000. Discharges can be tabulated thus:

Before 30	40,000	(excluding Antonians in 40)
30–28	85,000	
27–15	50,000	
14	70,000	
7–2	30,000	
Total	275,000	

When we consider that some men must also have been discharged, if only because they were unfit, in other years, both before and after 2 B.C., this total is near enough to the round figure given by Augustus. (It may also be remembered that the turn-over in the praetorian guard, who were required to serve only 12 years in 13 and 16 after A.D. 5, was faster than that in the legions.) It hardly needs to be said that the figures proposed are merely given *exempli causa*. But they do justice to the facts that there was much colonization in the years 27–15, and that substantial numbers of soldiers must have been disbanded in these years (*supra*), and to the emphasis Augustus lays on the cost of disbanding troops in 14. Similarly, the reconstruction assumes that in each of those years of the last decade before our era in which Augustus mentions his munificence to veterans, some 6,000 men were paid off, whereas in other years veterans were either given lands without cost to his purse or paid off in such small groups that the cost was not worth mentioning.

All this may seem like mere juggling with figures. I do not pretend that no alternative reconstruction is possible.[1] I have in fact worked out another scheme on the assumption that some 140,000 men were discharged in 30–29. But the reasons given make a reconstruction of the kind suggested immensely plausible. The reconstruction of course implies that by 14 B.C. it had already become common to retain legionaries for 20 years, indeed that the period of service was progressively lengthening. There is nothing surprising in this.

The size of the Augustan allotments is unknown. It does not look as if the cash bounties promised in 13 B.C. would have purchased much land.

[1] My own remarks in *PBSR* xviii, 1950, 61 ff. are here superseded. Schmitthenner, 144 ff., reaches conclusions similar to those in the text. The reconstruction of E. G. Hardy, *CQ* xiv, 1920, 187 ff., is certainly impossible.

But by then Augustus could afford to be less generous. He was no longer so dependent on his troops. In 30 veterans may have been treated much more handsomely, though less lavishly than Caesar's veterans in 46 or than the soldiers of the Philippi campaign (p. 330). The more secure the regime, the more parsimonious it could be to the legionaries.[1]

Can we say how many veterans were settled in Italy? It is shown elsewhere that about 40 Italian towns were colonized or recolonized between 41 and the death of Augustus, to say nothing of small groups of veterans who were introduced into towns that did not receive the appellation of colony (Appendix 17). Probably the average number of colonists settled on such occasions was 3,000, see Chapter XV, section (vii). That number may seem small, considering that Augustus described his colonies as 'celeberrimae'; but we have to remember that not all the old inhabitants were displaced.[2] Thus, we have apparently a total of 120,000. Of these some 50,000 had been given allotments in 41–40, and probably 10,000 in 36; of the veterans discharged then, we may allow 5,000 settlers in Gaul and Sicily. Augusta Praetoria received 3,000 in 25. This leaves 57,000. In my judgement that is the number of men who were allotted lands in Italy after Actium. Hence of the veterans then discharged perhaps 28,000 were accommodated with lands in overseas colonies; at least 8 colonies can be plausibly dated to *c.* 30 (p. 237). Thus the settlements in 30 constituted the last major change in the distribution of property in Italy; despite Augustus' claim to have paid compensation, some proprietors were undoubtedly compelled to make way for veterans in return for lands elsewhere. However, an unknown proportion of veterans discharged later were probably given lands in small groups or individually in existing colonies and *municipia* in Italy, or bought lands for themselves.[3]

(viii) *Summary and Conclusions*

The number of small farmers allotted lands in Italy in this period, apart from some veterans sent back to *municipia*, may now be tabulated, in accordance with the conclusions reached in earlier sections, as follows:

By Sulla	80,000
Under Caesar's laws of 59	50,000 (?)
In 41–40	50,000
In 36	10,000 (?) (p. 331)
In 30–28	57,000
In 25	3,000
Total	250,000

[1] The legionary adlected into the town council of Ateste (*ILS* 2243), who had been discharged after Actium, might have been enriched by booty.

[2] *RG* 28, cf. Appendix 17.

[3] In *RG* 3 note 'remisi in municipia'.

I have not included any figure for men settled in and just after Caesar's dictatorship, since it appears that these colonists cannot have been numerous and must for the most part have soon been caught up once more in the civil war; those who survived were no doubt restored to their allotments in 41–40 and are therefore included in the total for the settlers of that time. I have queried the figure for settlers under the laws of 59, not so much because the number of persons entitled to allotments is exceptionally doubtful, as because the sources are strangely silent about the effective implementation of the laws, and one may doubt whether the commissioners settled many civilian poor. However, whether or not these laws were put into effect, the total is impressive, especially if we believe that the number of adult male citizens before the enfranchisement of the Transpadani did not much exceed a million, and afterwards did not much exceed one and a half millions. Prima facie the number of smallholders was enormously increased in the late Republic. Hence, if poverty had limited the growth of the free-born population of Italy in the second century, or even brought about a decline, we might expect this process to have been reversed after Sulla. The distributions of land by Sulla and by Caesar's land commissioners should then have resulted in an increase in the number of adult males between 69 and 28, and those effected by the triumvirs and Augustus have had a similar result between 28 and 8, or at least between 28 and A.D. 14. If the Augustan censuses included women and children, a rise in the birth-rate following the settlements of 41–40 should have been reflected in an increased number of children as early as 28.

Closer scrutiny of the evidence, however, suggests that such conclusions are far too optimistic. To a considerable extent, which we cannot assess with any precision, the Sullan veterans replaced small farmers and not *latifondisti*. Moreover, many of them failed to make good, and the growth of *latifundia*, if checked at all, was soon resumed. No period of Republican history can have been more adverse to small farmers than the generation that followed Sulla. The widespread indebtedness to which Catiline owed his support cannot have been cured by the repression of his rising, and the commissioners under Caesar's laws of 59 may well have found it easiest to buy lands from impoverished small farmers. Thus, even if we suppose that they were active in settling thousands of veterans and other proletarians in Italy, their efforts may have done no more than counteract the tendency towards the concentration of property. In 49 and 43 conscription was on a large scale and must have had its usual ill effects for the peasantry. As dictator, Caesar did little by way of agrarian redistribution in Italy, and his work had to be done again in 41–40. Then the triumvirs reverted to Sulla's methods. Once more small as well as large farmers suffered from expropriations, and there is again reason to doubt whether there was any substantial net increase in small properties by the end of 40. On the estimate

proposed above some 90,000 new recruits were enlisted at the very time when 50,000 veterans were being granted lands; at least the expropriated were offered employment! And if 70,000 veterans were settled in 14 B.C., they were probably the survivors of 117,000 raised in the 30s, some by Antony in the east; 75,000 may well have been levied by Octavian in Italy. As in the past, conscription must have ruined many small farmers and undone the social effects of veteran settlement. It was not, of course, the purpose of any of the military leaders in the late Republic, with the exception of Caesar, to remedy social evils, but only to satisfy soldiers on whose support they depended, and it is not surprising if measures of colonization, which were not undertaken for the benefit of the poor as such, failed to yield results which their authors had not designed.

The effect of Augustus' work in 30 is also hard to judge. He was not able to satisfy his veterans without expropriating the people of some communities with Antonian proclivities; they received compensation in lands abroad, and perhaps in Brixia, 'colonia civica'. Those who suffered are just as likely to include small owners as the local magnates. Peasants may also have been among those who freely accepted the price he offered for lands. We cannot check his own statement that his colonies flourished. The lavish donations of the 40s and again in 29 must certainly have enabled the colonists to stock their farms, perhaps to a greater extent than earlier settlers. We do not know for how long his distributions retarded the further or renewed concentration of property in relatively few hands. The gradual cessation of conscription in Italy may have contributed more to this end than the land allotments. The census figures, however they may be interpreted, cast no clear light on the development. The increase between 28 and A.D. 14 can be accounted for mainly in terms of an accretion of provincial citizens (cf. pp. 118 ff.).

It is not my belief that the class of peasant farmers, owners and tenants, had been extinguished at any time in the late Republic, but I am not convinced that it was permanently and substantially swollen by the veteran settlements, at least before 30.

XX

ITALIAE SOLITUDO

ANCIENT writers who complained that Italy or parts of Italy were deserted undoubtedly had it in mind that the *free* population was small; slaves did not belong to the body politic, and did not count. This is always to be remembered in considering the evidence set out below for the depopulation attested in certain regions.

The old Italian town, as I conceive it, was inhabited partly by peasants who went out to till the adjoining fields each day, and partly by craftsmen who supplied them and others living in the country with what they could not make for themselves. This is not to deny that many also lived in large villages especially in the infertile highlands and small isolated valleys; of this some evidence will be adduced later. But the decay of towns is some indication of the decay of a free peasantry. The large owner was more likely to aim at the self-sufficiency of his estate and to maintain his own slave craftsmen, or to go not to the nearest town for what he needed, but to that which specialized in the product required, often to Rome; he, or his staff, had the means and leisure.[1]

(i) *Latium*

Strabo gives a favourable picture of the prosperity of Latium in his day. 'The whole country', he says (including Latium *adiectum* as well as Latium *vetus*), 'is fertile and produces everything, apart from a few places by the coast, which are marshy and pestilential, e.g. the land of Ardea and that between Antium and Lavinium as far as the Pontine plain, and certain districts of Setia and the country round Tarracina and Circeii, and apart from mountainous and rocky areas; yet even these' (both the marshy and mountain districts) 'are not wholly unproductive or useless, but furnish abundant pastures, timber, and fruits peculiar to marshy or rocky ground' (e.g. Setian and Caecuban wine). He notes that the land in the immediate vicinity of Rome was not fertile, but Rome had soon been able to annex good land, and 'holds out in food, and in timber and stones for building'.[2] He refers particularly to the good soil of Tibur and Tusculum.[3]

[1] See p. 128 n. 1. Capua is an instance of a market town which housed rural workers, Cic. *leg. agr.* ii. 88. Self-sufficiency of estates, C. A. Yeo, *Finanzarchiv* xiii. 451 f.

[2] Strabo v. 3. 5 and 7. Strabo visited Rome, and his account of Latium should be derived from contemporary information, if not autopsy.

[3] v. 3. 11 f.

Some parts of Latium were in no sense depopulated. The Via Latina was lined with towns; Aquinum and Casinum were seemingly large. In the hinterland, though Ferentinum and probably some other places were small, Anagnia was a notable town in Strabo's eyes, and Sora gave its name to a triumviral legion, which was doubtless raised there, not necessarily or probably from Sorans alone. In telling how Cn. Plancius had had the electoral support of the people of Atina, Arpinum, Sora, Casinum, and Aquinum, Cicero adds that 'tractus ille *celeberrimus*, Venafranus, Allifanus, tota denique nostra illa aspera et montuosa et fidelia et *simplex* et fautrix suorum regio' had voted for him.[1] It is likely that in the hilly country *latifundia* had not so far displaced small farms as in many other parts of Italy. The coastal plain south of the Liris is fertile and geographically belongs rather with Campania; no one supposes it was 'empty'.

Strabo, however, speaks well of Latium in general. What he says of food-production is curious and unexplained. I believe that cereal cultivation was not extinct in any large part of Italy, though this is not the place to give reasons. However, it is beyond question that Rome depended on imports and not on local supplies of wheat; at best some other towns in Latium may have grown their own grain. Probably Strabo was thinking of wine, fruit, vegetables, poultry, eggs, game, and the like. He himself mentions some of the great Latin wines; most of the 'noble' wines of Italy came from Latium or Campania.[2] There is also extensive evidence for fruit growing and market gardening in the vicinity of Rome,[3] and great profits were made there by the 'villaticum genus pastionis'.[4] It was also from Latium that most of the building material was obtained for the city's insatiate demands. Timber came down from the mountains;[5] there were quarries in the Alban hills and in the territory of Gabii, Tibur, and Cora;[6] clay for bricks was obtained in the land of Labicum and Tusculum and no doubt in many other places (Trastevere was to be an important source),[7] and the volcanic ash which, mixed with lime, makes *pozzolano*, in use from about 120 B.C., was to be

[1] Strabo v. 3. 9 f.; *ILS* 2226 (Sora); cf. p. 348 n. 4.

[2] v. 3. 6, 4. 3 (preferring Campanian), cf. Pliny, *NH* xiv. 59–66; only one wine in Pliny's first three classes comes from outside this area.

[3] See Nissen ii. 561 ff. (land between Eretum and Fidenae); 591 ff. (Aricia and Lanuvium); 610 ff. (Tibur); 620 ff. (Praeneste); 650 (Signia). Cf. Cato, *de agric.* 7 f.

[4] Varro, *RR* iii *passim*.

[5] Strabo v. 3. 5. Cf. Horace's woodland, *Sat.* ii. 6. 3; *Ep.* i. 14. 1.

[6] Strabo v. 3. 10–11; Vitruv. ii. 7. 1; Pliny xxxvi. 135, 167. See T. Frank, *Roman Buildings of Republic Rome*, 1924, ch. I; M. E. Blake, *Ancient Roman Construction in Italy*, Washington, 1947, ch. II. *Cappellaccio*, quarried in the Roman *lautumiae*, and stone from Grotto Oscura (just across the Tiber) and Fidenae had been supplanted by *peperino* from the Alban hills (*c.* 250–30 B.C.), *sperone* from Gabii (*c.* 100–Augustus), *lapis tuber* from the Anio valley (most common of all from *c.* 140) and travertine (after 109) from the hills below Tibur.

[7] H. Bloch, *Harv. St. Class. Phil.* lvi–lvii, 1947, 8, 30, 33. Cf. Blake 50, 299. Sen. *Ep.* 119. 3 mentions potteries at Tibur.

found extensively, though Vitruvius refers only to that imported from Campania.[1]

It is obvious that a country so productive was not truly depopulated (if we leave the marshlands and mountains out of account). A comparatively large labour force was needed to grow vines, vegetables, etc. (cereal cultivation would not have required so many hands), and to hew wood and stone, dig clay, and make bricks. Moreover, in many of the hill towns and in parts of the coast there were numerous villas of the rich, for instance in the Alban hills, Tusculum, Tibur, Praeneste, the Ager Laurens, Ardea, Antium, Tarracina, even close to the Pontine marshes, as well as at Formiae and Anagnia.[2] Here there must have been hordes of servants ministering to the comfort and dignity of the owners. But, as Varro insisted, villas could yield profit as well as pleasure.[3] It is most unlikely that villas on rich land in, for instance, Tibur or Tusculum did not make handsome returns, or that a large part of the noble wines of Latium was not produced on the estates of the rich and noble. Even the Ager Laurens provided winter pasturage.[4] The profusion of villas does not entail a dearth of people, though the land was owned by a few.[5]

However, it is plain from the agronomists that the Roman landowners assumed that it was most profitable to work an estate with slaves, and the agronomists did not doubt this, at least if the land was healthy and the owner could give constant supervision.[6] The second condition was amply fulfilled on lands so near Rome, and the first may have held outside the marshy region; in any case the advice to lease pestilential land to free tenants was apparently not heeded. The workers on the soil, the quarrymen, the timber-cutters, the brick-burners[7] will mostly have been slaves, no less than the domestic servants.

Old Latium had once been thick with towns, villages no doubt in size, that had now disappeared.[8] Perhaps this was partly due to synoecisms, like the legendary union of Alba and Rome. That process would only have meant that the surviving centres became larger. But there were clearly no large towns left in the neighbourhood of Rome. Tibur and Praeneste were surely the most substantial, yet Horace could call Tibur 'vacuum', perhaps

[1] Frank 36; Blake 41 ff.; Vitruv. ii. 5.

[2] Nissen ii. 575 (Ager Laurens); 587 ff. (Alban hills); 599 (Tusculum); 611 (Tibur); 624 (Praeneste); 628 ff. (Antium); 637 (Circeii); 640 (Tarracina); 651 (Anagnia); Cic. *de orat.* ii. 290; *Fam.* vii. 18. 3 (Pontine marshes).

[3] Varro i. 4. 1 f.; 7. 1 insists that estates while giving pleasure may yield profits; cf. iii. 2. 5 ff.; 2. 15, 2. 18; 6. 1; 16. 11.

[4] Pliny, *Ep.* ii. 17. 3 is probably applicable to this period. Cf. Nissen ii. 571.

[5] Even in the second century a praetor had estates in Privernum, Alba, and Tibur, Cic. *de orat.* ii. 224. M. Lepidus, censor 179, 'molem ad Tarracinam (confecit), ingratum opus, quod praedia habebat ibi privatamque publicae rei impensam inseruerat' (Livy xl. 51. 2); the implication is that there were few other owners to whom benefits accrued.

[6] Varro i. 17. 3; Col. i. 1. 18–20, 2. 1, 7. 4–6.

[7] Frank, *ESAR* v. 207 ff.

[8] Pliny, *NH* iii. 69.

only meaning 'tranquil' in contrast with 'Roma regia'.[1] Praeneste was notable for the number of commercial and craft *collegia* recorded in Republican inscriptions, and some Praenestine families seem to have been engaged in business in the East. Yet its territory, after Sulla, is said to have fallen into the hands of *latifondisti*.[2] Straho remarks that Collatia, Antemnae, Fidenae, Labicum, and other such little towns were now mere villages or private estates.[3] According to Cicero hardly anyone was left in the vicinity of Labicum or Gabii or Bovillae; he contrasts Veii, Fidenae, and Collatia, and even Lanuvium, Aricia, and Tusculum with the relatively large towns of Campania, and the *municipes* of Tusculum, splendid but few, with the numerous citizens of Atina.[4] For Horace Gabii and Fidenae represent the acme of desertion.[5] At Gabii, according to Dionysius of Halicarnassus, all that remained were a few inns by the roadside;[6] similarly Lucan describes the old Alban and Laurentan lands as 'rus vacuum', where you would find none except the night-bound traveller.[7] And yet it is obvious that Gabii with its important quarries was far from deserted. Our witnesses simply disregarded the slaves.

Some parts of Latium may have been largely uncultivated, and hardly inhabited except by herdsmen in the winter and by the domestics of villas. Such were the Ager Pupinius between Rome and Tusculum, arid and pestilential,[8] the coast from the Tiber mouth to Tarracina and the marshlands in general. We have no evidence for this period on the Ager Laurens, but Lucan calls it deserted (*supra*), and in Pliny the younger's time we find only woods, pasturage, and fishing, and luxury villas that did not yield profits,[9] though a village was sited here. Ardea, unhealthy to Strabo, a mere name to Virgil, received a colony in the first century, but it did not thrive; there are few inscriptions. Yet even here Columella had a vineyard.[10] At Antium too, which had suffered in the fighting of 87 round Rome, Nero was to found a colony, which failed.[11] These places adjoined the Pontine marsh between the Monti Lepini and the coast southwards to Circeii and Tarracina, 'urbs prona in paludes'.[12] This was a region where Mucianus

[1] *Ep.* i. 7. 45, cf. Kiessling–Heinze[1], ad loc.

[2] *ILLR* 103–6 for smiths, makers of crowns and carriages, butchers, cooks, pork-dealers, merchants in livestock, vine-dressers, and bankers. Oversees trade; Wilson 110, 132, 142; another family found in the east seems to come from Tibur. *Latifundia*: Cic. *leg. agr.* ii. 78.

[3] v. 3. 2.

[4] *de leg. agr.* ii. 96; *Planc.* 23 and 21.

[5] *Ep.* i. 11. 7.

[6] iv. 53.

[7] vii. 394 ff.

[8] Cic. *leg. agr.* ii. 96; Varro, *RR* i. 9. 5; Val. Max. iv. 4. 4; Col. i. 4. 2.

[9] *Ep.* ii. 17. 3 and 25 ff.

[10] *Aen.* vii. 411 ff.; Col. iii. 9. 2; Nissen ii. 575 ff. Probably malarial (Strabo, cf. Sen. *Ep.* 105. 1), but that need not be the cause of desertion, cf. Appendix 18.

[11] App. *BC* i. 69; Tac. *Ann.* xiv. 27; Nissen ii. 628 ff.

[12] Livy iv. 59. The amphitheatre and theatre at Tusculum provided for 3,000 spectators (Nissen ii. 599). At Fidenae the collapse of an amphitheatre in A.D. 27 caused death or

believed 24 cities had once existed; the annalists depicted it as the granary of early Rome, and Livy thought that in the fifth and fourth centuries 'innumerabilem multitudinem liberorum capitum in eis fuisse locis quae nunc vix seminario exiguo militum relicto servitia Romana ab solitudine vindicant'.[1] Nothing much came in the end of attempts to drain it in 160 and by Caesar,[2] though a canal by the side of the Via Appia was an important communications artery, presumably resulting from his project.[3] The marsh remained uncultivated and pestilential.[4] On the slopes of the Monti Lepini Cora was desolate in Horace's eyes, Norba seems never to have recovered from its ruin in 82 (there are no inscriptions), Setia was a tiny city producing good wine, Privernum no better.[5] These towns had undoubtedly decayed, but the Pontine marsh as a whole had perhaps never been much inhabited, though conceivably it had become more extensive since early times, as a result of the demand for winter pasturage. Some think that it had once been drained by the Etruscans or under their influence. But it has been questioned whether the saline soil of the marsh proper, deficient in the chemicals needed to raise crops, can ever in primitive times have been adapted to cultivation by a system of drainage; there are none of the famous *cuniculi* here. On this view the ancient cities of the Ager Pomptinus and the lands of the Pomptine and Oufentine tribes must have lain somewhat above the marsh.[6]

If there is a substratum of truth in various statements in the *Liber Coloniarum*, the Gracchan commissioners made allotments at Velitrae (238 L), and also at Verulae in the Hernican country (239), Sulla at Aricia (230), Bovillae (231), Castrimoenium (233), Gabii (234), and Tusculum (238), the triumvirs at Formiae (234), Setia and Signia (237), and Ulubrae (239), and Augustus at Fundi (234). An allusion to the work of *quinqueviri* at Praeneste (236) might refer to Sulla's well-attested colony there, or to an attempt by the land commissioners appointed under Caesar's law of 59 to break up the *latifundia* which had grown there since Sulla's time.[7] None of the other places named was actually a colony. But in 63 Cicero envisaged the possibility of land being distributed in the territories of Alba, Setia,

injury to 50,000 persons (Tac. *Ann.* iv. 62 f.); most had clearly come from Rome, but the number is probably much exaggerated.

[1] Pliny, *NH* iii. 59; Livy ii. 34; iv. 25; vi. 5; 21 (grain); vi. 12 (population).

[2] *Per.* Livy xlvi asserts that in 160 the marshes were drained and made cultivable. Suet. *Caes.* 44; Dio xliv. 5; xlv. 9. 1.

[3] Strabo v. 3. 6.

[4] Cic. *de orat.* ii. 290; Vitruv. i. 4. 12; Silius Ital. viii. 379 ff. But cf. p. 347 n. 2 for villas.

[5] Lucan vii. 392; App. *BC* i. 94; Mart. xiii. 112; other evidence in Nissen ii. 643 ff.

[6] A. Bianchini, *Storia e Paleografia della regione Pontina nell'Antichità*, Roma, 1939. I have seen no critical examination of this work. It is not mentioned in the enormous article by M. Hofmann, *RE* Suppl. viii. 1135–1241, remarkable for its ready acceptance of annalistic details and lack of scientific data. The volumes of the *Forma Italiae* devoted to Circeii and Tarracina show little evidence for settlement in the marshes proper.

[7] See p. 311 n. 4.

Privernum, and Fundi;[1] the *Liber* may not be wholly wrong. Whatever efforts were made to settle veterans or other small farmers in them must be taken, in the light of the remaining evidence, to have failed. Outside the 'depopulated' part of Latium, the *Liber Coloniarum* also records the colony of Sora (327), perhaps triumviral rather than Augustan (as alleged), triumviral allotments at Aquinum (229), and the settlement of legionaries at a date unspecified at Casinum (232); the last may be historical and belong to 41/0.[2]

In my view old Latium was not desolate, nor abandoned to pasturage, nor ruined by malaria. But it was mainly a land of estates owned by the few. The population may not have been smaller in the time of Cicero than in that of Cincinnatus, but it was mainly composed of slaves; the free inhabitants were few, and it is this which is relevant to the reliability and interpretation of the census returns.

(ii) *South Etruria*

There is no reason to suggest that the interior of northern Etruria was not as well populated in the late Republic as most parts of Italy. Doubts may be felt mainly about the coastal area.

Heurgon has pointed out that in 205 the supplies furnished to Scipio by the Etruscans came above all from the north and the interior; Volci is not named, and Tarquinii provided only cloth.[3] Travelling to Spain probably by the Via Aurelia, Tiberius Gracchus found the country redeemed from solitude only by gangs of slaves.[4] Of the Latin and Roman colonies founded on the coast Cosa was virtually abandoned in the Republic (p. 85), Graviscae was insalubrious (Appendix 18), Castrum Novum, Pyrgi, Alsium, and Fregenae on the coast were small from the start, and to judge from the paucity of inscriptions, never attained greatness; Saturnia on the Via Cassia was a larger foundation but also yields few inscriptions. That is also true of Populonia, Rusellae, and Volci, old Etruscan cities, and more surprisingly of Latin Luca, though not of Luna and Pisae. Strabo too ignored Luca, but remarked on the fine harbour and valuable quarries of Luna and on the fertility of Pisan soil, and its important exports of stone and timber. He was interested in Volaterrae only for its impressive site; in fact, the town has produced a fair number of inscriptions and must have held up, despite its sufferings under Sulla,[5] but it is the one town in a wide area (p. 55), which may have been thinly settled at all times.[6] Populonia, as distinct from its port, Strabo found all but deserted; the iron-works remained important; probably the workers were slaves, and so perhaps were those

[1] *leg. agr.* ii. 66.
[2] Pais, *Colonizzazione* 223 f.
[3] *Etruscans*, p. 127 on Livy xxviii. 45.
[4] Plut. *Ti. Gr.* 8. 7.
[5] Two-year siege, Strabo v. 2. 6, cf. *Per.* Livy lxxxix; Licin. 32 F. Loss of lands, p. 306
[6] Part was marshy, Pliny, *NH* iii. 50.

employed in the quarries of Luna and Pisae. He named Cosa, without observing its decay (he probably saw it from the sea), and Graviscae, Pyrgi, Alsium, and Fregenae merely as small towns. Pyrgi, he says, had once been rich and was still the port of Caere, a city that preserved only traces of her former splendour; however, inscriptions from Caere are fairly abundant. In contrast to cities in the interior, Arretium, Perusia, Volsinii, and Sutrium, he thought that Blera, Ferentium, Falerii, Nepet, Statonia were small; Veii had been brought low by Rome; Lucus Feroniae attracted his attention simply because of the festival there. If the frequency of epigraphic finds is any clue to the relative size of these places, Strabo did not measure them all aright; Falerii and Nepet should have been comparable with Sutrium and not negligible. Tarquinii too, which Strabo ignores, has yielded fairly numerous inscriptions.[1]

The decay of many once-great Etruscan cities (Populonia, Rusellae, Volci, and to some degree Caere and Tarquinii) seems to be beyond question, and of Republican Roman foundations none except Luna seems to have prospered, any more than triumviral or Augustan settlements at Castrum Novum, Luca, Rusellae, and perhaps Graviscae (see n. 1). Malaria on the coast has been invoked as a cause; however, the coast was not entirely deserted any more than that of old Latium; rather, it was divided into estates worked by slaves.

Conditions were perhaps widely different in the region north of Rome and south of the lake of Volsinii, bounded also by the Via Clodia and the Tiber. Here there were small but numerous towns, Veii (which revived under Augustus), Amitinum, Lucus Feroniae, Capena, Nepet, Sutrium, Falerii, Fescennia, Horta, Forum Clodii, Forum Cassii, Blera, Ferentium; their very number suggests that the free population was not negligible, and the development of *fora* into *municipia* indicates that market centres must have served many scattered farms until they grew into genuine towns; it has been suggested that Veii itself answered this kind of need, close as it was to Rome, long before it acquired municipal status from Augustus.[2] Statements in the *Liber Coloniarum* seem to indicate that Ferentium received Gracchan settlers (216 L), Falerii and Nepet triumviral (217), and that soldiers were allotted lands at Capena (216; 255) and Veii (220); the fact that it wrongly terms these places colonies does not mean that its testimony is wholly worthless. Certainly Cicero supposed in 63 that lands might be bought and

[1] Strabo v. 2. 3 (Caere), 5 f., 8 f. *Lib. Col.* 219 f. alleges Gracchan settlers at Tarquinii, wrongly called 'colonia', and Augustan at Graviscae, perhaps also triumviral at Luna (223. 14, cf. 213. 6). Triumviral or Augustan colonies are certified at Castrum Novum, Luna, Pisae. Pliny, *NH* iii. 52, confirmed by *CIL* xi. 2618, calls Rusellae a colony, presumably of the same period.

[2] J. B. Ward-Perkins, *PBSR* xxix, 1961, 52 ff. Much of the black-glazed pottery is, it seems, most naturally to be dated *c.* 200; the explanation might be not one of those suggested by the author but that the market-town of Veii did decay about this time as a result of a growth in large estates. Cf. next note.

distributed at Capena and Falerii, and in 46 surveying prior to allotments was in progress at Veii and Capena.[1] Lucus Feroniae (256) and Sutrium (217) were undoubtedly triumviral or Augustan colonies.

Much new light has been shed on settlement in the territories of Veii, Lucus Feroniae, Capena, and Sutrium by the archaeological ground-survey conducted under the auspices of J. B. Ward-Perkins.[2] The finds make it clear that the land of Veii was continuously cultivated and that in the other territories the area of cultivation was progressively extended by clearance of forest from the fourth century onwards. So far as I can see, it is less easy to infer from the archaeological evidence the density of settlement at any particular date or the degree to which the land was in the hands of small farmers, whether owners or tenants of the soil, or to connect the settlement with allotments of land by the Gracchan commissioners, Sulla, the triumvirs, or Augustus. Dating of sites by the presence of black-glazed pottery, which was made for some 300 years up to about 30 B.C., is not yet very precise, and where this pottery is found in adjacent sites, it cannot be determined with certainty how far they were occupied simultaneously and not successively. The proportion of sites in the countryside which have been discovered to the number which once existed at any particular time is presumably dubious, and some farms were surely worked by people who lived in the towns. These considerations might suggest that the number of separate farms could be underestimated, and that they may have been smaller than suspected. On the other hand, it cannot be taken for granted that many of the villas discovered were not owned by large proprietors, even though they were centres for relatively small estates. It was shown by C. A. Yeo that wealthy Romans often preferred to distribute their land-holdings over many different districts, and the agronomists make it clear that the normal size of a farm, even when owned by great proprietors and worked by a *vilicus* and slaves, was quite small, no more than 200 *iugera*.[3] An unadorned 'villa' might then either be the home of a poor farmer or the centre of a farm worked by slave labour, whose owner was an absentee. But a 'villa' where fine pottery and adornments have been found might also belong to a Roman magnate who favoured it with occasional visits, as Cicero went the round of his country-houses. Alternatively, it could be the

[1] *leg. agr.* ii. 66; *Fam.* ix. 17. 2. *Lib. Col.* 220; 'Colonia Veios prius quam oppugnaretur (in 41, according to G. D. B. Jones, *Latomus* xxii, 1963, 773 ff., cf. App. *BC* v. 31); ager eius militibus est adsignatus ex lege Iulia. Postea *deficientibus his* ad urbanam civitatem associandos censuerat divus Augustus. *Nam variis temporibus et a divis imperatoribus agri sunt adsignati.*' The words italicized suggest that allotments here did not prove successful.

[2] Ward-Perkins cited in p. 351 n. 2, cf. *PBSR* xxiii, 1955, 44 ff.; G. Duncan, ibid. xxvi, 1958, 63 ff. (his Cambridge doctoral thesis on Sutrium, not published, gives further information); G. D. B. Jones, ibid. xxx, 1962, 116 ff.; xxxi, 1963, 100 ff. (Capena and Lucus Feroniae).

[3] *Finanzarchiv* xiii. 459, see *PIR*² B 164. For size of farm units see e.g. Colum. i. 3. 8; ii. 12. 7.

property of a local councillor or rich freedman, whose labour force would be servile.[1] The fact that the region was mainly farmed, and not given over to extensive pasturage, is no proof that it was cultivated by free men; rich slave-owners also planted vines and olives and grew cereals, and indeed on my view generally practised mixed farming, and they were just as capable of clearing scrub and forest to enlarge the acreage of arable.[2]

However, it is absurd to pretend that no use, or little, was made of tenants and free labourers on the property of great landlords, or that the yeomanry of Italy had been virtually eliminated by the time of the Gracchi;[3] and the various agrarian schemes for the poor as such, or for veterans, undoubtedly augmented the numbers of the yeomanry on a large scale, if only for a time. The existence of so many small towns in south Etruria is a strong indication that the free agricultural population held out better there than in some other parts of Italy, and it looks as if this was a region in which there were special efforts in the late Republic or in the reign of Augustus to maintain or increase their numbers.

(iii) *The South*

We have no general description of Samnium, Lucania, Bruttium, and Apulia except from Strabo. Cicero refers to Magna Graecia as ruined and to Apulia as 'the emptiest part of Italy', and Seneca alludes to great estates in the desolate areas of Apulia, and to the uncultivated lands of Bruttium and Lucania, *saltus* that were lonely and neglected; these texts do not imply that the whole country was deserted. For the rest we have to depend on scattered literary references, inscriptions which are few, and archaeological evidence. I have made no attempt to comb through the scattered articles in which archaeological reports may be found. For Magna Graecia Kahrstedt has systematically collected and analysed all this material; there are no comparable studies of other parts of southern Italy. Kahrstedt's excellent work does not convince me that it is wrong to entertain the customary view that the entire south of Italy, Campania naturally excepted, was thinly populated, at least by free men.[4] But it may be that archaeologists will be able to modify the conclusions my survey suggests.

(*a*) *Particular Regions.* Strabo does not write in general, if at all, from autopsy. He had certainly not visited the interior; he says of the Lucanians

[1] In his thesis Duncan reports 17 villas at Suttrium which give evidence of wealth, 25 more modest, 56 unadorned; the farther from the town, the less prosperous they appear. See also T. Ashby, *Roman Campagna*, 1927, 227–40, for villas in south Etruria.

[2] Horace's *vilicus* was engaged in clearance in the hill-country beyond Tibur, *Ep.* i. 14. 26 ff. [3] *AL* 71 ff.

[4] Cic. *de amic.* 13; *Att.* viii. 3. 4; Sen. *Ep.* 87. 7; *de tranqu.* 2. 13. In what follows I rely on the works of Kahrstedt, Magaldi, and Salmon cited in the bibliography for Magna Graecia, Lucania, and Samnium respectively, and elsewhere on Nissen; any undocumented statement may be checked easily in these works.

and Samnites and neighbouring peoples that he will tell what has been passed on to him (vi. 1. 3). For distances he cites previous authorities (vi. 3. 10) and generally gives them in stades, perhaps for easy intelligibility to Greek readers. Kahrstedt asserts that his evidence relates to conditions about 100 B.C.[1] It is beyond doubt that he often relied on writers nearly a century earlier such as Artemidorus and Posidonius, or even Polybius, and for historical matters he cites much earlier authorities; some of his information is out of date. However, unless Artemidorus and Posidonius themselves repeated what their predecessors had said, their accounts should be relevant to conditions in the south just before and after the Social and civil wars of the 80s, and it is not easy to conceive that these conditions were totally transformed by Strabo's time. Moreover, it is also clear that Strabo inserted newer material in his work, and it is somewhat arbitrary to hold that he is merely repeating what he read in books except where the contrary is manifest. It seems probable to me that Kahrstedt has dated the picture in Strabo about half a century too early. It is indeed very incomplete. He was naturally most interested in Greek cities and expatiates on their decay. His Hellenic bias may have led him to despise places with no great traditions or fine buildings, and to underrate the prosperity of Italian communities that were not fully urbanized. He mentions what he thought notable about particular places. In my opinion this practice led him to neglect what was universal, or almost universal, for instance the production of basic agricultural crops. In particular, corn-growing attracted his attention only if the crops were unusually heavy and yielded a surplus, and wines are not mentioned unless they had a reputation and market that were more than local. In general he notes only specialities which had a more than regional significance.

Samnium is a country of mountains (65 per cent) and hilly uplands (35 per cent), destitute of mineral resources and ill watered; the streams are 'pebbly and usually scanty', at times torrential, and the rainfall is too often 'precipitated in the form of sharp, torrential and destructive showers . . . Some of the mountain valleys and rolling uplands are surprisingly fertile', but even when we allow for the progress of deforestation since antiquity and the consequential erosion, crops from the cultivable soil can never have been heavy, and much land was only suited to grazing. In the more favoured parts, vines and olives were grown, perhaps as early as the fourth century, but the principal crop on arable soil must always have been cereals, especially in the Hirpinian country, as it is today, when yields per acre are low but total production large; wealth must have come primarily from stock-breeding. The poverty of their country had made the hardy Samnites in early times a constant menace to their neighbours in the plains, whose lands

[1] Kahrstedt 1.

they pillaged and conquered. Strabo says that they could once put 80,000 foot and 8,000 horse into the field (v. 4. 12); he is apparently thinking of a time before the Roman conquest. In 225 Polybius gives the 'Samnite' manpower as 77,000; but this figure should include the non-Roman Campanians (p. 53). However, the Romans had already annexed some of the more fertile parts of Samnium, notably for the Latin colonies of Aesernia and Beneventum, and Strabo's estimate, though it cannot have been founded on reliable records, may not be far out for the fourth century.[1]

Roman annexations both before and after the Hannibalic war diminished the resources of the Samnites and must have checked population growth (Chapter XVII). Strabo thought that they were completely worn out as a result of these early sufferings and still more of the devastations conducted by Sulla (presumably in 89 as well as in 82–81). Sulla, it is said, sought to extirpate them. According to Strabo some cities had vanished, others (Aesernia, Bovianum, Panna, Telesia) had become mere villages; only Beneventum and Venusia (v. 4. 11, cf. vi. 1. 3) had held up. He was unaware that both cities were, like Aesernia, Latin and not Samnite, or that Telesia was a colony, probably Gracchan. He had not then made very thorough inquiries. His source is evidently post-Sullan, but probably pre-Augustan; he did not know that Bovianum had received triumviral or Augustan veterans. I should guess that it is late Republican; it would be some time before the once-sharp distinction between Latin and Oscan towns was lost, as in Horace's doubt whether Venusia was to be considered Apulian or Lucanian (it was not on any view Samnite).[2] Moreover, Strabo probably drew false conclusions from the scarcity of notable towns. He himself notes that the 'Opici' in whose territory the Samnites first settled lived in villages (v. 4. 12). That was probably always characteristic of Samnium. Old tribal divisions were long remembered, even when municipal organization had supplanted them; hence Tacitus could describe Helvidius Priscus as 'regione Italiae Caracina e municipio Cluviis'; the Caracinae were among the old Samnite tribes.[3] We know little indeed of Samnite *pagi* or *vici*, except in the immense territory of Beneventum, but perhaps only because villagers were too poor to set up inscriptions.[4] To this day there are few towns in Samnium. But the population is also correspondingly

[1] Strabo v. 4. 11 f., cf. Salmon 14–19, 64 ff., whence the quotations.

[2] Hor. *Sat.* ii. 1. 34.

[3] Tac. *Hist.* iv. 5, as read and interpreted by Mommsen, *CIL* ix, p. 257, but see Salmon 13 n. and Koestermann's text of Tacitus.

[4] Salmon 79 f. cites some evidence outside as well as within Samnium; my statement is based on the index to *CIL* ix. On Beneventan *pagi* see P. Veyne, *Mél. d'Arch. et d'Hist.* lxix, 1957, 81 f., 91 f. Salmon 50 ff., 77 ff. shows that early Samnium had been a land of hamlets, inhabited by 'montani atque agrestes' (*Livy* ix. 13. 7). Cf. Justin xxiii. 1. 8 on the early Lucanians: 'ab initio pubertatis in silvis inter pastores habebantur.' There has been little archaeological exploration of Samnium.

sparse.[1] To some extent the meagreness of our epigraphic evidence for Samnium may indeed be due to its having been insufficiently explored.

Whatever Sulla's animus against the Samnites may have been, the warfare of his time was disastrous for all the inhabitants of Samnium, including those who were not Samnite, Telesia, for instance, and Latin Aesernia, which was captured by the rebels in 90, became their capital, and was retaken by Sulla in 89. It must therefore have engulfed descendants of Gracchan settlers still in the region (p. 279). Curiously enough, there is no clear evidence for Sullan assignations in a land much of which must have become vacant. Some indeed think that Telesia was a Sullan colony; its city walls are probably of his time, but a more roughly built amphitheatre supports the Gracchan date. It is also rash to infer Sullan settlement at Allifae from the date of its walls.[2] But so few of Sulla's colonies can be identified that we cannot conclude that there were none in Samnium. In 43 the triumvirs marked out Beneventum and Venusia among the eighteen cities distinguished for wealth, whose lands and houses they promised to their veterans, and both became triumviral colonies.[3] The *Liber Coloniarum* refers assignations at Allifae to the triumvirs (231); the place was certainly a colony at latest from Augustus. It also attested such assignations in the land of the Ligures Baebiani et Corneliani (235), probably to be connected with the colony at Beneventum, which controlled their territory (p. 279 n. 4), and in that of Telesia (238). Aesernia is falsely described as an Augustan colony (233); but there may have been new settlers there. Bovianum vetus is known from Pliny as an Augustan colony.[4] These triumviral and Augustan settlements may have mitigated the effects of Sulla's devastations, and the comparative prosperity of some towns in Samnium in the Principate may be the result.

Beneventum, well placed at the crossing of six roads, with an exceptionally large and relatively fertile territory, clearly enjoyed great prosperity, as a market town and doubtless as the residence of local magnates.[5] Apart from its monuments, the inscriptions prove this; 40 per cent of all Samnite and Hirpinian inscriptions in the *Corpus* come from Beneventum, not counting its *pagi*. They number 750, against 300 at Venusia (which of course appears under Apulia in the *Corpus*); this is still a large number,

[1] The 1961 census gives the following figures for inhabitants per square kilometre and for percentages of those resident in *capoluoghi*:

All Italy	168 (31·9%)
Abruzzi–Molise (Samnium)	104 (16·9%)
Puglia (Apulia)	176 (22·4%)
Basilicata (Lucania)	65 (12·5%)
Calabria (Bruttium)	136 (14·7%)

[2] Telesia, Blake (p. 346 n. 6) 231 f.; 238 f. (but see p. 279 n. 2); Allifae, ibid. 231.
[3] App. *BC* iv. 3. On Venusia see Diod. xxxvii. 2. 10.
[4] *NH* iii. 107.
[5] Salmon 22 f.

exceeded by few Italian towns; and the ruins of the walls, aqueducts, baths, and amphitheatres confirm the prosperity of Venusia. For Strabo these cities were exceptional: what of the rest? Of those he names Panna is not heard of, and Bovianum provides few inscriptions; Mommsen wrote of its 'magna et pulchra opera', but the site at Pietrabbondante he described was probably not that of Bovianum.[1] Strabo was too pessimistic on Aesernia, which recovered, probably after the date of his source; we have 150 inscriptions thence. Telesia too furnishes 120, well above the average of Italian towns. More important than either was Aeclanum, which he ignores and which Sulla had sacked; it has over 300 inscriptions, some of which indicate the opulence of its leading citizens. Allifae, of which Strabo is content to say that it survived (v. 3. 10), and Saepinum also produce over 100 inscriptions. No other place in Samnium, measured by epigraphic evidence, seems to have had any importance.

I can find little evidence of industry in these towns. Aesernia had a *collegium centonariorum* and a *collegium fabrum*, Telesia a *collegium tignuariorum*, and *lanariae*. Frank notes a person at Beneventum whom he calls 'clerk of the wool accounts'. We also find here an 'artifex omnium (!) artificiorum studiosissimus' (*CIL* ix. 1724), a clothier (1712), a charcoal dealer (1716), 2 plasterers (1721 f.), a pig-dealer (1506), and 3 merchants (1710, 1713), a meagre tally of recorded craftsmen or traders, but far greater than in any other southern town. Augustales are attested in 11 towns; these rich freedmen had generally, we may suppose, made their money in trade and industry, but in this region they had probably only served the needs of their locality. The Samnites lived from agriculture and stockraising. But the soil was poor, and there were no good wines made here unless at Beneventum, nor other famed specialities.[2]

After the great military efforts the Samnites made in the Social war and against Sulla[3] they could, apparently, make but small contributions to Rome's forces. We do not hear of recruiting there in 49, when it is recorded in almost every other part of Italy. In 44 Octavian was at one time said to be proceeding to Samnium, perhaps to recruit.[4] Very few imperial soldiers are attested from Samnium or anywhere in the south.[5] The paucity of soldiers from the whole of the south would indeed indicate catastrophic depopulation (except for slaves), if it were to be regarded as having any

[1] *CIL* ix, p. 257 but cf. Salmon 13 n.

[2] Frank, *ESAR* v. 203; Salmon 65–77 on trade and industry, esp. in early times; he uses evidence from the Volturnus valley, not Samnite in our period. Other statements can be verified from the index of *CIL* ix.

[3] Appian *BC* i. 90 says that 70,000 Samnites and Lucanians marched on Rome in 82, a Sullan exaggeration; Vell. ii. 27. 1 gives 40,000.

[4] *AL* 85 f.; Cic. *Att.* xvi. 11. 6.

[5] Excluding soldiers from Regio IV outside Samnium, we have 2 legionaries from Apulia and 1 from Samnium out of over 400 Italians (Forni 159 ff.) and 47 praetorians from the whole south out of 839 Italians; 8 from Beneventum, 5 from Venusia.

demographic significance at all. Probably it is best explained by supposing that the government simply ceased to try to recruit in the region.

It may be that in the Principate Samnium recovered somewhat from the miserable condition in which it was described to Strabo. But it surely remained a poor and relatively empty land.

Lucania is the most barren part of Italy; mountains occupy three-quarters of the surface, forming a network with little isolated valleys, 'like a tempestuous sea petrified by an unheard-of natural miracle'; bare on the top, they were once densely wooded on the sides; the area of forest must have been far more extensive in antiquity than it has been since the enormous cutting of timber in the nineteenth century (largely for railway sleepers); consequently erosion cannot have gone so far, and the streams, now torrential in winter and dried up in summer, probably carried water more regularly than they do now. The principal settlements have always necessarily been in the fertile river valleys, notably the Val di Diano (Tanager) and the upper valley of the Agri (Aciris), or at their mouths; but the inland valleys are isolated by the mountains, limiting commerce and cultural contacts; the region has always depended on agriculture and still more on pasturage, and has suffered throughout its history from 'wars, devastations, angaries, earthquakes, landslides, epidemics, malaria, brigandage and depopulation'. Some at least of these misfortunes are attested in Roman times.[1]

The early Lucanians must have depended primarily on pasturage (p. 355 n. 4), but also cultivated their few fertile valleys and coastal plains. In 225, according to Polybius, they had been able to muster 33,000 *iuniores* (Chapter IV). Most of them went over to Hannibal. Hence, confiscations. Part of the land Rome acquired went to the small maritime colony of Buxentum in 194, which was soon deserted. It seems that the Romans also annexed much of the relatively fertile land in the valleys of the Tanager and the Aciris; the former area at least was given over to pasturage until the Gracchan time; then viritane allotments were apparently made and at Grumentum in the Aciris valley a colony was founded (Chapter XVII). Deprived of much of their best land, the Lucanians can hardly have increased much, if at all, between 200 and 133, and the Gracchan settlers may not have permanently raised the free population; if Appian is right, they mostly failed to make good. Grumentum, it may be noted, sustained a siege in 90. We know of no further settlements (except perhaps at Paestum)[2], Sullan or post-Sullan. Whatever the post-Gracchan history of the towns in the valleys of the Tanager and Aciris, they must still have remained the least

[1] Magaldi, ch. 1, 40 *f.*; whence the quotations; on ancient rivers see also V. A. Sirago, *L'Italia agraria sotto Traiano*, 1958, 214 ff. For a great fair at Cosilinum see Cassiod. *Var.* viii. 33. 3; it may long have existed; but it remains true that poor communications must have impeded trade.

[2] Beloch, *RG* 512, but *cf.* A. Degrassi, *Scritti Vari di Antichità*, Roma, 1962, i. 154 *f.*, Grant 200 ff. (triumviral or Augustan rather than Sullan).

unfavoured of the communes in Lucania; they furnish over half the Lucanian inscriptions in the *Corpus* (a meagre 400); another fifth come from Paestum and Potentia. Monuments are also insignificant. The original Lucanians had had their last fling in 90–82; the casualties and devastations of those years probably exhausted them, and the population had no transfusion of blood from other regions, if we may argue *e silentio*.

Strabo's description is plausible. He remarks that the Samnites, Lucanians, and Bruttians had so deteriorated that it was hard to distinguish their settlements; they did not retain their original organization, nor their dialect, armour, dress, and the like (vi. 1. 2); 'the Lucanians are now Romans' (vi. 1. 3). This Romanization of course tells us nothing about their prosperity or population, but it shows that he is writing on the basis of information much later than 100 B.C., when they still used Oscan, and hardly earlier than the end of the Republic. He mentions only a few Lucanian towns, including Petelia, which I class as Bruttian, and he plainly thinks none of them notable (vi. 1. 2). No doubt, Lucania, like Samnium, was not urbanized. Conditions do not favour the agglomeration of inhabitants. *Pagi* and *vici* are attested in the territory of Volcei and Grumentum, and probably the people were scattered in villages everywhere. There was little industry. Lucania was a source of timber, so far as its poor communications allowed; colleges of *dendrophori* or *fabri* engaged in cutting, transporting, selling, or working in wood, are attested in four places, and Cato had recommended Lucanian wagons. A few other *collegia* are known, and Augustales are recorded in six towns.[1] But most of the free inhabitants must have been devoted to subsistence agriculture (naturally they could not import grain),[2] and such wealth as was created in the region must have come from its forests and pastures; a few good wines were made on the coast. I shall review stockbreeding later.

We may now turn to Strabo's account of *the coast from Paestum to Tarentum and the Bruttian peninsula*. Of this he writes at great length, but mainly because he is concerned with the legends and history of the ancient glory of Magna Graecia. It is clear that the Greek colonies were already decayed at the time of the Hannibalic war (p. 51). Greeks and Bruttians were both punished at its end for their disloyalty to Rome by extensive confiscations of their territory; even earlier the Bruttians had been deprived of at least half the forest of Sila (Chapter XVII). Rome had already founded in 273 the Latin colony of Paestum on land annexed from the Picentines, and Sulla may have sent colonists there. In the decade after the Hannibalic war two

[1] Magaldi 72, 233 f. (*pagi*); 245 ff. (*collegia*), cf. Sirago 219 on forests.

[2] Under Constantine rents in Volcei were payable in cash or grain, *CIL* x. 407. It goes without saying that Lucania was never wholly pastoral. A freedman of Domitian owned four *fundi* (farms) there, *ILS* 3546.

more Latin colonies, Copia Thurii and Vibo Valentia, were founded in the deep south, and three small Roman colonies at Buxentum, Tempsa, and Croton. The unreliable *Liber Coloniarum* (209) reports Gracchan centuriation (which may indicate viritane allotments) at Bruttian Consentia and Clampetia, and Augustan assignations in the former place. Gracchan settlement certainly occurred at Scolacium and Tarentum. There is no evidence for Sullan or post-Sullan settlement in this region except perhaps for Paestum (p. 358 n. 2), and for the reinforcement of the population of Rhegium after 36 (*infra*). It looks as if, after the Gracchi, Roman statesmen despaired of the prospects of small farmers in Bruttium and on the coast of Lucania, as in its hinterland.

Of Paestum Strabo merely remarks that it had become unhealthy because of the marshes. He notes that the Picentini in the interior lived in villages (cf. p. 278) and that Salernum had been colonized to keep them in order (v. 4. 13). The people of Velia were obliged by the poverty of their soil to make their livelihood from fishing and pickling fish and 'other such industries' (vi. 1. 1). Pyxus (no mention of the Roman colony of Buxentum) and Laus excite only antiquarian interest (ibid.); Pliny says that Laus was extinct. Petelia Strabo regards as 'still adequately populated' (vi. 1. 3). At Temesa he notes an abandoned copper-mine: Terina had been destroyed by Hannibal; Consentia is the Bruttian metropolis; Pandosia was once a strong fortress; Vibo Valentia has beautiful flowering meadows and, like Medma, a naval station (vi. 1. 5). Rhegium was once powerful and was again of strategic importance in the war against Sextus Pompey—here Strabo, if indeed he is following a source which described conditions *c.* 100, brings it up to date—but it was ruined by an earthquake just before 90 and has only become fairly populous once more, because Augustus has settled some of his sailors there (vi. 1. 6). Locri interests Strabo only for its historic past; in the interior is the well-wooded and well-watered mountain Sila, the source of the best pitch,[1] and the city of Mamertium; the people in the area are Bruttians (vi. 1. 9). Caulonia is deserted. Strabo is content to name the Gracchan colony of Scolacium (vi. 1. 10). The old Greek cities beyond Cape Lacinium are 'extinct' (vi. 1. 11), viz. Croton (ibid. 12), Thurii (13), Heraclea (14), and Metapontum (15). He recognizes that the Latin colony, Copia, had taken the place of Thurii; it was only the Greek *polis* that had disappeared.[2] And here he notes that the wines of Thurii and Lagaria (in the territory of Grumentum but by the coast) were famous. Finally he comes to Tarentum in Apulia (vi. 3. 1). In his description of the fine harbour he mentions a bridge which Kahrstedt (pp. 108 f.) suggests was Augustan; again he has brought his material up to date. He dilates on the great power Tarentum had once possessed; it was lost by folly; in the Hannibalic war she

[1] Pliny, *NH* xiv. 127; xv. 31; Col. xii. 18. 7. Dion. Hal. xx. 15 implies timber exports too.
[2] Still inhabited in the time of Polybius (x. 1. 4).

lost her freedom, and has since received a Roman colony (in 123–2);[1] hence the Tarentines 'live in quiet and better than before' (vi. 3. 4). Clearly this means only that their condition had improved when compared with the last days of independence, not with the era of their greatness. Part of the area within the walls was deserted, and it was only in the remote past that Tarentum could put 34,000 men into the field (p. 51), though it remained a city of notable size (vi. 3. 1), indeed the only large city except Brundisium in the Iapygian territory (vi. 3. 5). What Strabo says of the Calabrian soil (p. 365) seems to apply to the Tarentine; it was good for trees and pasture.

In Strabo's view then, Tarentum was the only noteworthy town on the entire coast, and even Tarentum had decayed. Yet Vibo and Rhegium were among the 18 flourishing towns marked out for veteran allotments in 43,[2] though they were spared because of the importance of conciliating them, when Sextus Pompey controlled Sicily.[3] Kahrstedt (32 ff.) holds that Vibo throve on fisheries and on the exports from Sila (p. 360 n. 1), that it was a market town of some importance, 'a lively, but not a rich *municipium*', in the time of Augustus; he admits that the local curial class does not seem to have been affluent in the Principate. The workers in local tile factories were probably slaves. Part of the area within the walls was empty; the fact that this had been true in the Greek period may refute the inference that it had declined, but we might guess that the triumvirs originally selected Vibo for allotments, not because they thought it prosperous but because there was room there.[4] This conjecture is fortified by what we know of Rhegium. It is impossible to hold that Strabo's account of this city is out of date (*supra*). He is quite explicit that Rhegium had become fairly populous again only because of the Augustan settlement of sailors in 36 (vi. 1. 6). It is much more likely that Appian was mistaken in holding that all the 18 towns had been marked out for their opulence than that Strabo was wrong in supposing that it was not till 36 that Rhegium recovered from the effects of the great earthquake *c.* 90, for Strabo had a particular interest in all the cities of Magna Graecia. Trade with the east seems to have declined. The evidence which Kahrstedt (45 ff.) gives that Rhegium flourished in the Principate does not show that it was equally thriving in the late Republic or under Augustus. He allows that it was no larger than the Greek *polis*. Beloch estimated the citizen body of Rhegium at no more than 3,000 *c.* 387.[5]

For the rest Kahrstedt's view of the towns does not differ much from Strabo's. He thinks that Paestum bloomed once more, but only in the second century A.D. (3 ff.). By contrast, Velia was at its most prosperous in the late Republic and early Principate (16 ff.). That says little. It was on

[1] Vell. I. 15; Plut. *C. Gr.* 8; Pliny, *NH* iii. 99.
[2] App. *BC* iv. 3. [3] Ibid. 86.
[4] Cicero's 'tam inlustri nobilique municipio' (*Verr.* ii. 5. 40) means little.
[5] *Bev.* 302 f.

the route to Sicily, but how many had occasion to go there? A suburb had been deserted since the second century B.C. (19). A local magnate was three times duumvir, and Kahrstedt reasonably infers that the upper class was small; unfortunately the inscription is undated. He notes a similar paucity of upper- or middle-class citizens at Paestum (7), Vibo (35), Croton (78), Petelia (83 f.), and even Tarentum (117). I see nothing in the data he presents for Velia inconsistent with Strabo's allusions. Buxentum, Blanda, and Lavinium have left few traces; not surprisingly, Strabo ignores them, and Pliny regarded Lavinium as extinct. Kahrstedt thinks that Tempsa was revived by the Roman colony there—300 families, to judge from parallels!—in 194 and that it did not begin to decline for 200 years, i.e. in Augustus' time (28 ff.). Locri, which was still a city in name early in the first century B.C.,[1] had become a village in size by its end, according to Kahrstedt. There was 'a village of *coloni*' at Caulonia (66–8). At Scolacium, despite the Gracchan settlement, no remains have been found. Croton, tiny as early as 215 (p. 51), was not extinct, as Strabo suggests, but thinly peopled, with a poor curial class. Petelia, by Trajan's time, was still poorer, with a free population of only 1,000, dominated under Pius by one magnate; Strabo had thought it 'sufficiently inhabited', but in 215 the adult males can hardly have numbered 2,000.[2] This casts some light on Strabo's standards. Thurii was, in Kahrstedt's view, a small town (88). At Consentia a hill settlement had grown out of a group of villages after the Via Popillia was built, but the ancient Pandosia had vanished. Kahrstedt is surprised that a town should have been built as a refuge at a time when 'far and wide there were no assailants' (97). The explanation is obviously the prevalence of rural disorder; no record of this was likely to survive from a region so distant from Rome that few cared what was happening there.[3] Kahrstedt doubted if Heraclea still existed in the Principate (99 ff.); however, there are apparently some remains, though eventually the people moved to a hill site, healthier and more defensible, which was to be the seat of the local bishopric.[4] Similarly, in the early Principate the inhabitants of Metapontum seem to have migrated to Genuaia in the hinterland; Strabo anticipated its disappearance; it is still an 'oppidum' in Pliny's list (102 ff.).

Tarentum had been reinforced in the Republic by Gracchan and other settlers (p. 361 n. 1); Nero was to send veterans there, but in vain; they did not stay, and Dio Chrysostom thought the place was deserted.[5] This went

[1] Cic. *Arch.* 10. But we cannot argue from Locri providing only 2 triremes in 171 (Livy xlii. 48. 7; cf. Pol. xii. 5); Rhegium sent only one.

[2] See pp. 50, 127.

[3] Cic. *Rosc. Amer.* 132: 'qui in Sallentinis aut in Bruttiis habent, unde vix ter in anno audire nuntium possunt'.

[4] F. Sartori, rev. of Kahrstedt in *Arch. St. per la Calabria e la Lucania*, xxxi. 110; Cic. *Arch.* 8 attests survival till 65.

[5] Tac. *Ann.* xiv. 27; Dio Chrys. xxiii. 25.

too far; it remained a centre for the production of wine, fruits, and above all wool, which was dyed with the purple from the mussel-fishery. Trade had declined and leaves no epigraphic record but the inscription of a single *argentarius* (*CIL* ix. 236). Strabo's mention of a bridge across the harbour shows that the lagoon was no longer in use for overseas commerce. The few public buildings of the early Principate do not disguise the city's depressed condition at this time, and Kahrstedt's hypothesis that there was a revival after Trajan does not concern us. By his own account tombstones in the town are those of the poor. He holds indeed that the rich lived in fine villas in the vicinity, of which remains exist. But here, as elsewhere, we cannot assume that the labour the owners employed was free (cf. Kahrstedt 108 ff.).

Kahrstedt seeks to show that even though towns decayed, the country remained relatively well populated and prosperous, or at least that it became so under the Principate. He adduces much evidence of villas, less of 'villages of *coloni*'.[1] His map conveniently summarizes the findings. The hinterland of Paestum is shown to be almost empty, and there are only half a dozen sites round Velia, where Strabo thought the soil poor. About a score are marked from the vicinity of Buxentum to that of Lavinium. Southwards to Tempsa they remain few, and it is only in the 'toe' of Italy and on its west coast that they become numerous. Today this is a densely populated area, famous for its citrus groves. On the east coast there are a few sites especially near Locri, Caulonia, Scolacium; to the north they are again sparse until we reach a thick cluster in what had once been the plain of Sybaris, and another round the important modern town of Castrovillari. Very few are found on the coast between Thurii and Tarentum, or anywhere in the interior, most of which is mountainous. Comparison with a modern map shows that the finds are most common in just the districts in which there are now most small towns or villages, though now there are numerous places inhabited, in which there is as yet no evidence of Roman occupation.[2]

Kahrstedt uses this evidence to discredit the 'catchword' explanations of the ruin of Magna Graecia: *latifundia* and malaria.[3] Great estates are found near Croton (80), Petelia (98), Tarentum (118 ff.) and probably Paestum (14 f.), and above all they are typical of Metapontum and Heraclea (99 ff.), towns which disappeared. Yet while Croton and Petelia grew poorer, Tarentum in his opinion and Paestum were to thrive again, and malaria cannot explain, for instance, the disappearance of Heraclea when Lagaria, a little to the south, flourished more than ever and the plain of Sybaris was covered with villages and villas. There was no uniformity of development in

[1] See his index s.v. 'Villen'.

[2] Hence modern 'Calabria' is now more densely populated than other southern regions except Puglia, cf. p. 356 n. 1.

[3] Cic. *de amic.* 13: 'magnam Graeciam, quae nunc quidem deleta est', conveying the same impression as *Fam.* iv. 5. 4 on old Greece.

the whole region, but in some parts there was a revival in the Principate or late Republic.

If anyone really supposed that nearly all Bruttium and Magna Graecia was given over to huge ranches, Kahrstedt has answered him. Such a hypothesis should never have been entertained. It is easy to cite evidence for production of wine, fruit, oil, vegetables, and grain.[1] Cicero's defence of Tullius sheds some light on conditions in the Ager Thurinus, which Kahrstedt himself thinks was thinly populated at the time. His client suffered at the hands of one P. Fabius, who had recently bought an adjoining estate from a senator named C. Claudius, at a price large but half what Claudius had paid, because all the villas had been burned and the land had fallen out of cultivation; yet Fabius himself is described as 'novus *arator* et idem pecuarius'; the land was not intended merely for grazing. But it is clear that Tullius at least and another neighbour of Fabius, Q. Catius Aemilianus, known to all the jury at Rome, as well as the senator, Claudius, were normally non-resident, and that they worked their lands, as did Fabius, with gangs of slaves.[2] In 60 fugitives from Spartacus' army, which had offered its last resistance in this region, were still overrunning the land near Thurii.[3] In 48 Caelius sent Milo into Thurine territory to raise the herdsmen in revolt.[4] We are not to infer that the territory was entirely pastoral. The name Copia given to the Latin colony is significant, and though allusions to the fabulous productivity in grain of the plain of Sybaris[5] belong to the remote past, grain and fruits were surely grown, but by slaves.

The greater part of Kahrstedt's evidence seems to be imperial, though it

[1] Pliny, *NH* xiv. 69, approves wines of Tarentum (but cf. Athen. i. 27 A; Mart. xiii. 125), Consentia, Tempsa, Barium, and Lucania; for wines there cf. Cato 6. 4; Varro *RR* i. 25; Pliny xiv. 46. *Cod. Th.* xiv. 4. 4. 1 shows wine production in Bruttium (cf. *Tot. Orb. Descr.* 53) and Lucania. Pliny prefers 'Lucanian' to Thurian wine, for which cf. xiv. 39 and Strabo cited above; Athen. xii. 519 D on Sybarite. Pliny rates highest Lagarian (cf. Strabo), produced near Thurii. Wine production is also noted at Velia (Hor. *Ep.* i. 15. 6, poor), Buxentum (Athen. i. 27 A), Petelia (*ILS* 6469), Brundisium (Pliny xvii. 166), as much earlier at Heraclea (*IG* xiv. 645). Frank, *ESAR* v. 147, is not justified in saying that south Italian places were 'making a new name for wine culture' in the Principate; the imperial texts do not suggest that, and an argument from the silence of earlier sources would be imprudent. Viticulture had probably long been universal (cf. p. 182 on Cisalpina); we hear generally only of good wines. So too of oil (cf. Varro, *RR* i. 24. 1 on Sallentine oil). Casual mentions of fruit and vegetables in Bruttium, Tarentum, Calabria, Canusium, Varro *RR* i. 8. 2 and 4. 1; Pliny ix. 137; xv. 55, 71, 90; xvi. 115; Col. x. 139. Grain, n. 5 and pp. 359 n. 2, 368, 374 n. 4 (Kahrstedt 8, oil and grain at Paestum).

[2] *Tull.* 14–21, 22 indicates some resident proprietors. The case was heard after L. Metellus' praetorship in 71, i.e. after Spartacus' rising, ibid. 39.

[3] Suet. *Aug.* 3. 1.

[4] Caes. *BC* iii. 21; in 22 read 'Compsam', not 'Cosam' and seclude 'in agro Thurino', cf. Vell. ii. 68. 3; Pliny, *NH* ii. 147; no Cosa is known in Thurine territory and Compsa in Samnium is equally appropriate as a centre for a slave rising; Cosa and Compsa are confused in manuscripts of *Verr.* ii. 5. 188, cf. Mommsen, *CIL* ix. 88. Dio xlii. 25 wrongly puts Milo's death in Apulia.

[5] e.g. Varro *RR* i. 44. Magaldi 56 ff. gives other evidence for earlier grain production in Magna Graecia.

is often unclear to me how much can be reliably dated. Inferences from it should be drawn with caution. It must be admitted that where a number of villas can be traced in close proximity to each other, this implies cultivation as distinct from pasturage. But what Cicero says of the destruction of all the villas on Claudius' estate in Thurii shows that several villas might be parts of a single estate. Even when this was not so, the villa might be merely the homestead where the *vilicus* and slaves of an absentee owner lived. Handsome decorations and articles of luxury, where found, do not prove that the place was a residence of the owner; it may only have been one he expected to visit. When the younger Pliny contemplated the purchase of an estate adjoining one he already possessed, he remarked that he would then only have to keep up one of the villas, and incur no cost on sumptuous furnishings, servants, and hunting equipment in the other: 'it is of the greatest importance whether you concentrate all this in one place or disperse it over several.'[1] But Pliny was not normally resident in any of his villas; his domicile was Rome. If there were few rich men in the local towns, as Kahrstedt shows, many or most of the fine villas must have been owned by magnates from other parts. If we reserve the term *latifundia* for single estates of enormous extent, we must not forget that most great owners had many estates in different places, and that they seem to have preferred to divide their lands for management into quite small units (p. 352 n. 3). The many villas Kahrstedt has detected do not, therefore, prove that land ownership was widely diffused, nor that much land was in local hands, nor that the majority of the workers were free. His 'villages of *coloni*' are another matter, but they are relatively few. I should in any event not be ready to think that the free agricultural population in Bruttium had been exterminated. But the decay of towns is in itself an indication that the numbers of free men working the land had also declined (cf. p. 280).

Cleared of some exaggerations, the traditional view that Magna Graecia and Bruttium were depopulated in the first century B.C. still appears correct. Inscriptions are rare,[2] crafts and trade in the towns hardly attested. Strabo's evidence must not be despised. Progress in the Principate is irrelevant for our present theme.

Calabria, according to Strabo (vi. 3. 5 f.), was deep-soiled when ploughed and, despite aridity, good for pasture and trees. It had once supported a large population and 13 cities; but all the towns were now small; he mentions 3 on the coast and 4 in the interior. They include Lupiae (Lecce) and Hydruntum (Otranto); today Lecce has an opulent appearance, remarkable in the south, and the surrounding land is fairly fertile, while the coast

[1] *Ep.* iii. 19. 2.

[2] Beloch, *Bev.* 431, noted that in *CIL* there is only 1 inscription for Bruttium and Lucania per 60 sq. km., far the lowest ration in Italy; compare 1 per 13·5 in Apulia. However, part of the explanation for the paucity of inscriptions may be lack of suitable local stone.

near Otranto flourishes; there is nothing to indicate that either place was other than small in the Roman period. Pliny (*NH* iii. 105) mentions 10 inland Calabrian peoples and 5 Sallentine, to which should be added 9 other towns he names earlier which lay south of the line from Tarentum to Brundisium (100 ff.). The density of 'oppida' is high, but presumably they were no more than villages in size; one of them, Rudiae, had only 500 adult male citizens in Hadrian's time (p. 127), and is probably typical; none yields more than a handful of inscriptions. If we can believe the *Liber Coloniarum* (211), there was Gracchan centuriation and perhaps allotment at Lupiae and at two unidentified places in the area, Austranum and Vasinum; there is no evidence for any subsequent settlements in Calabria. It may well be that Kahrstedt's picture of some rural prosperity in Magna Graecia at least during the Principate is also true for Calabria; but if this be conceded as possible, the same reservations must be made as expressed above.[1]

In the rest of *Apulia* Rome had annexed land for the Latin colonies of Luceria in 314 and Brundisium in 246; quite apart from their strategic importance, and the commerce that Brundisium owed to her port, both cities enjoyed relatively fertile land. The Hannibalic war was followed by further confiscations. Arpi, for instance, lost territory on which the Roman colony of Sipontum, initially at least unsuccessful, was planted in 194. It is not at all likely that this was all that Arpi forfeited, or that other disloyal cities did not also suffer. The *Liber Coloniarum* (210, cf. 261) in fact states that there was centuriation 'lege Sempronia et Iulia' at Herdonia, Ausculum, Arpi, Sipontum, Salapia, and in the neighbourhood of Monte Gargano, as well as in the unidentifiable Ager Collatinus. In 63 Cicero contemplated the possibility that lands might be allotted under Rullus' bill, perhaps on public land, 'in Sipontina siccitate aut in Salpinorum pestilentia'.[2] The statement in the *Liber Coloniarum* leaves it uncertain whether there was actual settlement in the time of the Gracchi or of Augustus or both; certainly there were no colonies here, except Sipontum, but that does not exclude viritane assignations. Aerial photography has revealed centuriation at Luceria, perhaps of the time when the Latin colony was founded, and at Aecae, Herdonia, Ausculum, Arpi, and Canusium, which is held to be Gracchan; Canusium is a puzzle, as unlike the other cities it had remained loyal in the Hannibalic war, and should not have forfeited any land then; perhaps Rome already had domains in its territory. The centuriation in question seems to have been accompanied by new settlement.[3]

[1] Nissen ii. 862 ff.

[2] Cic. *leg. agr.* ii. 71, cf. p. 368 n. 9.

[3] Preliminary reports by J. Bradford appeared in *Antiquity* xxiii, 1949, 66 ff.; xxiv, 1950, 88 ff.; cf. Toynbee ii. 563 ff. for an account of the findings of G. D. B. Jones which cannot be assessed until fully published. *Lib. Col.* 210 L also alleges Gracchan centuriation at Latin Venusia, perhaps on land that had remained *ager publicus* when the colony was founded, cf. p. 56 n. 1. For Roman annexations cf. p. 279.

Apart from the fringe of mountains on the west and from the wooded Monte Gargano, where there was a single Roman commune,[1] Apulia consists of a fertile coast between Monopoli and Barletta, marked today by a succession of sizeable towns, the hill-country in the south (the Murge), and the northern plain, the largest in Italy south of the Po, the Tavoliere. Rivers are few and torrential, though in antiquity their flow may have been more regular. In summer the rainfall is slight, and much of the water is lost through the permeable subsoil. The heat can be intense. It is an arid land. In late antiquity the name Apulia was fancifully derived from the Greek ἀπόλλυμι, 'for there the verdure of the earth is too soon destroyed by the rays of the sun.'[2] The Murge is well suited only to pasturage and to some extent to olive-groves; the coast is now abundantly planted with fruit-trees; the Tavoliere has at times been devoted mainly to winter pasturage, but in other periods has been a great grain-growing area.[3]

Strabo enlarges on the fine harbours of Brundisium and its importance for communications between Rome and the east (vi. 3. 6). Frank, however, remarks that 'the mention of only two *negotiatores* (*CIL* ix. 60, 62) does not satisfy expectations; few craftsmen and no industrial gilds are known from here'.[4] No doubt the poverty of the hinterland explains this; there was little to export, and but a small demand for imports. It is significant that according to Strabo (vi. 3. 7) the route to Beneventum via Gnathia, Canusium, and Herdonia was still a mere mule-track. Horace, indeed, travelled that way in a carriage, but he speaks ill of the sector between Canusium and Barium.[5] There was no commercial impulse to improve transport, and the poor communications in themselves restricted commercial growth. It was left to Trajan to pave the road.[6] Strabo remarks that the territory of Brundisium was richer than that of Tarentum and produced good fruits, honey, and wool (vi. 3. 6); it is significant that he seems to suggest that the prosperity of the place depended as much on agricultural or pastoral output as on its port. He gives no indication that the coastal towns north of Brundisium flourish as they do today.[7] It may be, of course, that they enjoyed under the Principate as much prosperity as Kahrstedt holds that Magna Graecia did, i.e. that the coast was one of villas rather than of towns; even Barium, which Strabo barely mentions, must have been small. About a quarter of the inscriptions of all Calabria and Apulia come from Brundisium alone, and if traders and artisans are rarely recorded, freedmen and slaves are numerous there.

Strabo clearly found no place of note in the Murge except Canusium at its northern edge, commanding the valley and crossing of the Ofanto, which

[1] Pliny, *NH* iii. 105. [2] Paul, *Hist. Lang.* ii. 21. [3] Nissen ii. 834 ff.
[4] Frank, *ESAR* v. 136 n. 64. The newly published inscriptions from Brundisium (*Epigraphica* 1963) add little to our knowledge.
[5] *Sat.* i. 5. 86, 94 ff. [6] *CAH* xi. 207 f., cf. Galen cited in *ESAR* v. 278 n. 29.
[7] Hence relatively high density of population in Puglia, p. 356 n. 1.

perhaps carried more water then than in modern times, as deforestation will not have gone so far, and enough except in the summer to convey goods downstream to an emporium at the mouth.[1] Strabo hints that Canusium had decayed (vi. 3. 9); if this was so in the late Republic, it recovered, and was a great centre for the wool trade, based on pasturage in the Murge.[2] In the *Corpus* it has some 90 inscriptions, many of freedmen; they and their progeny could rise to affluence and dignity, to judge from the famous curial *album* of A.D. 223, with its numerous *gentilicia* suggesting servile descent.[3] The fact that the town lacked a good water-supply until it received an endowment from Herodes Atticus in the second century shows that we must not rate its wealth very highly.[4] Infertile as its soil was, it probably sought self-sufficiency in grain, like most Italian towns; Horace describes the local bread as stony, and we may suppose that the millers had to resort to an exceptionally high extraction rate.[5] Naturally wine and (presumably) oil were also produced.[6]

In the plain of the Tavoliere or on the adjoining hills there was a cluster of cities, Teanum, Luceria, Aecae, Ausculum, Arpi, Herdonia, Sipontum, and Salapia. Strabo says that 'the whole country produces everything in abundance and is excellent for horses and sheep; the wool is softer than Tarentine, though less glossy'. He notes the export of grain from the port of Sipontum.[7] He judged from the circuit of their walls that Arpi and Canusium had once been among the largest of Italian cities; but Arpi was in his view much reduced (vi. 3. 9); he was right; it has yielded only 2 inscriptions in the *Corpus*.[8] He says the same of Luceria, wrongly; it has produced 150 inscriptions, well above the average. By this standard none of the other towns was notable; Strabo ignores Aecae, Ausculum, and Herdonia, and Salapia, which he describes as the port of Arpi, cannot have prospered; before Vitruvius wrote, but after the time of Strabo's source, the people moved to a new and healthier site.[9]

[1] N. Jacobone, *Un antica e grande citta dell'Apulia, Canusium*[2], 1925, says that the volume of water discharged by the Ofanto now varies between 2,300 and 350 cu. m. per minute and argues from its fordability in 216 that it cannot have carried much water in summer, even in antiquity; he thinks that Barletta was the port. This fails to explain Strabo's putative error. Cf. p. 358 n. 1 on ancient rivers.

[2] Jacobone thinks the amphitheatre could hold over 10,000, like that at Pompeii (79 f.), and that the walls enclosed room for over 50,000 inhabitants (110 ff.); but he himself points out that walls in Apulia enclosed the cemeteries, and probably there was other vacant space (originally as a refuge for country-dwellers). Amphitheatres might be built for splendour and to attract spectators from other towns. For wool see Nissen ii. 851 ff.

[3] *ILS* 6121; note too such *cognomina* as Crocalianus, Soterianus.

[4] Philostr. *v. Soph.* ii. 1. 5, cf. Hor. *Sat.* i. 5. 91. [5] Hor., loc. cit. [6] Varro, *RR* i. 8.

[7] Sipontum was a port of some importance in the civil wars, Cic. *Att.* ix. 15. 1; Caes. *BC* iii. 2; App. *BC* v. 56, 58; Dio xlviii. 27, and still flourished in Lombard times.

[8] Dion. Hal. xx. 3 credits Arpi with 4,000 foot and 400 horse in 279, Livy xxiv. 47. 2 with 3,000 'armati' in 213.

[9] Vitruv. i. 4. 12, cf. p. 366 n. 2. For its disappearance without epigraphic record cf. *CIL* ix., p. 65.

It is significant that Strabo calls attention to the export of grain through Sipontum. Grain must have been grown almost everywhere, and his interest must arise from the fact that the Tavoliere was *par excellence* an arable country, producing a noteworthy surplus. In the Hannibalic war the Carthaginian army obtained its supplies of grain in the Tavoliere in 217 and 216 and wintered at Arpi in 215/14 and at Salapia in 214/13, surely because there were surplus supplies of food there (p. 275). Apulia and Calabria shipped grain to the army in the east in 172. Varro regarded Apulian wheat as incomparable, Columella refers to the heavy crops there, and Horace praises the cheap and excellent bread of a town which seems to be Ausculum.[1] Varro also describes the Apulian granaries, the transport of oil, wine, and grain from the territory of Brundisium and Apulia in general to the coast by donkey panniers, and the special methods of ploughing employed by arable farmers in the small fields of Apulia.[2] I have no doubt that Apulia was an important source of grain in the late Republic, especially when the pirates or Sextus Pompey cut the peninsula off from provincial imports. Its exports of both grain and oil were again important in late antiquity and in the medieval and early modern periods.[3] Naturally they came from the Tavoliere. In the sixteenth and seventeenth centuries there was an enormous extension of pasturage there, which was reduced again in the nineteenth; since about 1860 the Tavoliere has always been a centre for cereal cultivation.

The centuriation in the Tavoliere (p. 366 n. 3) was accompanied by the planting of vines and olives. This does not show that they took the place of cereals; the combination of trees and cereals is a familiar feature of Italian agriculture. We also cannot be sure, on the evidence of this centuriation, that the land long remained in the possession of small farmers. Varro's allusion to the small fields in Apulia probably indicates that this class of cultivators was not extinct there in his day, yet Cicero's view that Pompey could not hope to enlist many soldiers in the 'inanissima pars Italiae' (p. 353 n. 4) indicates that free inhabitants here were *exceptionally* few; it is hardly credible that there was any region where small farmers had altogether disappeared. There is abundant evidence that the owners of great estates raised grain, and produced wine, oil, vegetables, fruits, usually in a mixed husbandry, whose precise character was determined by the quality of the soil and the accessibility of markets; the mere fact that all these products are attested in Apulia is therefore no proof that a large part of the land had not fallen into the possession of *latifondisti* by the time of Augustus. If they followed Columella's advice they would have let grain-growing land to free

[1] Livy xlii. 27. 8; Varro, *RR* i. 2. 6; Col. iii. 8. 4; Hor. *Sat.* i. 5. 89 f.

[2] *RR* i. 57. 3; ii. 65. 2; i. 29. 2.

[3] F. M. de Robertis, *Arch. St. Puglies*, 1951, 42 ff. (late antiquity); A. di Maddalena, *Riv. St. Ital.*, 1964, 377; P. J. Jones, ibid. 319 (medieval and early modern times).

tenants rather than worked it with slaves under a *vilicus*; however, Saserna and Columella both prescribed how many (slave) labourers were needed for an arable farm.[1] Augustus did little or nothing to redistribute land in Apulia; [the only triumviral or Augustan colonies here are Luceria] and Venusia on the very border of the region.

Wool was undoubtedly the product of Apulia that yielded most profit; the chief centres were Tarentum and Canusium, and it was no doubt worked up there into cloth and garments. But there is curiously little evidence of industrial establishments, probably because spinning and even weaving was done extensively on the villas of the great estates.[2] In any event, whether the workshops were in the towns or in the country, manufacture was probably in the hands of slaves. The name *gynaecia* given to weaving factories of the late empire shows that weaving was normally work for women, i.e. for *ancillae*. F. M. de Robertis commented on the extraordinary dearth of epigraphic evidence for craftsmen in the Apulian towns; two *argentarii* at Tarentum and Canusium (*CIL* ix. 236, 348), a weaver at Canusium (ibid. 375), a wool-worker at Luceria (ibid. 826) were all he found; a few more might be added. *Negotiatores* are equally rare. 'These figures', he observed, 'acquire all the more significance, when compared with the very great frequency with which we find inscriptions mentioning *artifices* in Campania, for example, or in Aemilia.'[3] It is reasonable to suppose that in Apulia, as elsewhere in the south, towns were small. I have conjectured that the number of free adult males in the whole of Bruttium, Lucania, Apulia, and Calabria may not have exceeded 100,000 (p. 127). Naturally this figure includes the free workers in the country as well as in the towns.

(*b*) *Pasturage*. Although every region in the south must have aimed at self-sufficiency in grain and Apulia at least had an exportable surplus, and although wine, oil, fruits, and vegetables were produced in various centres, it cannot be doubted that the south was more noted for stockbreeding than for agriculture. When Spartacus was about to lead his band into the Val di Diano, he told them that they were going into lands more spacious and pastoral than the Campanian lowlands. It was from this valley that a magistrate of the Gracchan period had forced shepherds to give way to ploughmen: we may infer from Spartacus' reported words that the process had since been reversed.[4] The verdant herbage of the high Apennines provided summer feed, but the owners of the herds also needed winter pastures,

[1] Col. i. 7. 6; ii. 12. 7 ff.

[2] Ibid. xii. 3. 1–3.

[3] De Robertis n. 46. *Capulatores* at Accae (*CIL* ix. 665, on which see S. Panciera, *Epigrafica*, 1962, 86 f.) manufactured oil. *Dendrofori* at Volturara (939); *ponderarius* at Lesina (706); *negotiator* (469) and *unguentarius* (471) at Venusia. Evidence for agricultural activity is seldom found in inscriptions (but cf. 706; 947) in any region. Frank, *ESAR* v. 137 n. 66, thinks the *mancipes* of Herdonia (69) were probably collectors of the pasture taxes.

[4] Sall. *Hist.* iii. 98; *ILS* 23, cf. p. 280 n. 5.

which they could find in such valleys or in coastal plains, not least in the Tavoliere. Transhumance was vital for profitable ranching on a large scale in peninsular Italy.[1] It can hardly have been greatly developed, so long as the highlanders and lowlanders were independent of each other and frequently hostile.[2] The peace that the Romans imposed for the first time in the third century and re-established after Hannibal's expulsion was one precondition of the system. But it was not sufficient in itself; ranchers had only limited opportunities of securing the winter pasturage they required, when the cultivable land in the valleys and plains was occupied by a fairly dense agricultural population with title to enjoyment of their acres. It must have been the extensive confiscations that Rome effected in all parts of the south after the Hannibalic war (Chapter XVII) which first enabled them to exploit transhumance on a large scale. With the decline in citizen numbers consequent on the war and the cheapness of land nearer Rome, there was no pressure for land distributions to citizens in the south; of the colonies founded there Buxentum and Sipontum were actually unpopular. Citizens did not wish to occupy farms in Samnium, Lucania, Bruttium, and Apulia; and the ex-rebels who had previously held them could be ruthlessly turned out of what was now public domain, to make way for the sheep of the magnates who controlled policy at Rome. With no capital outlay on land, and a charge for pasturage that may well have been low (*scriptura*), the ranchers could doubtless make large profits; it is said that old Cato claimed that pasturage, good, bad, or indifferent, was more lucrative than arable farming.[3] If the saying is authentic, it may belong to the time when capitalists were first taking advantage of the new conditions; naturally the level of profits must have been limited by effective demand, and with a low standard of living among slaves (Cato gave his agricultural hands no meat

[1] See esp. Varro, *RR* ii. 1. 26, 2. 9, 5. 11, 8. 5, 9. 16, 10 *passim*; Col. vi. 22. 2 (he virtually ignores transhumance); *Dig.* xliii. 20. 1. 4 (Ulp.); xxxii. 67 (Marc.); xl. 2. 3. 10 (Paul), etc. Migrations between Sabine hills (cf. Strabo v. 3. 1) or Samnium (cf. Cic. *Cluent.* 161; Caes. *BC* iii. 22. 2, on which see p. 364 n. 4; *FIRA* i, no. 161) and Apulia, Varro ii. 1. 16, 2. 9; iii. 17. 9; between Lucania and Calabria, Hor. *Epod.* i. 27 f.; *Ep.* ii. 2. 177 f.; *Odes* i. 31. See also T. P. Wiseman, *PBSR* xxxii. 30 ff. For Umbria cf. Cic. *Div.* i. 94; Varro ii. 9. 6 mentions transhumance from Metapontum! Toynbee ii. 286 ff., cf. 237 ff. gives an admirable account.

[2] Rich Romans might have practised it after Rome conquered the Volscian hills. Reports of fines on ranchers for 298 and 293 (Livy x. 13. 4, 47. 4) may be authentic, as the second is said to have paid for a road to Bovillae. The great wealth which Fabius said (*ap.* Strabo v. 3. 1) first came to Rome after the Sabine country was won might have derived from transhumance. Fines imposed on ranchers in 195 and 193 (Livy xxxiii. 42. 10; xxxv. 10. 11) probably arose from their exceeding the limits permitted of *ager publicus* near Rome; what happened in remote Apulia or Lucania would hardly have aroused indignation. Obsequens' reference (54) to Latins driving their herds to Rome in autumn (?) 91 may relate to transhumance, cf. Pliny, *Ep.* ii. 17. 3 for winter pasturage in the coastal plain nearby.

[3] Cic. *Off.* ii. 89. No hint of this in Cato's *de agric.*, because he sharply distinguished stockbreeding from agriculture (Varro ii pr., 4). Naturally he never advocated turning all arable into pasturage, and his treatise concerns arable.

and little clothing)[1] and presumably among the free poor, the consumption of wool, leather, meat, and dairy products was certainly not capable of great expansion; moreover in the end southern Italy had to meet strong competition from the pastures of the northern Apennines and the Po marshes.

Transhumance is first attested in Cato's model contract for the lease of winter pasturage, which shows that in some districts graziers had to rent meadows in the plains from private owners; probably it was more profitable to them if they could obtain the use of public domains.[2] What was left of these domains after the Gracchan allotments was reserved, with minor qualifications, for pasturage by the agrarian law of 111, where we have the first mention of the *calles* or *tratturi*, along which ever since thousands of beasts have been driven twice a year between their summer and winter grazing grounds.[3] It is, incidentally, an unwarranted assumption made by some scholars that by 111 all public land suited for cultivation had been distributed; even if this were not so, the interests of the magnates might have dictated the terms of the extant measure. Transhumance was not of course confined to the south. Probably there was winter pasturage in the Ager Laurens long before the younger Pliny's day, as also in coastal Etruria, and herds moved in summer to the Apennines of central Italy in the Sabine country (p. 371 n. 1); it must also have been adopted in the north. But it was in the south where the other natural resources were so restricted that stockbreeding based largely on transhumance acquired a dominant importance in the economy. Herds were driven from summer pastures in the Lucanian mountains as far as Calabria in the winter, and more obviously into neighbouring coastal plains, such as those of Paestum or Thurii, or valleys like that of the Tanager. The grazing grounds of Sila, covered with snow in the winter, must have had their counterparts on the Bruttian coasts,[4] and the Tavoliere received herds from all parts of the central highlands (cf. p. 371 n. 1). Many or most of the districts where Kahrstedt found little trace of settlement, for instance the hinterland of Paestum, were probably devoted to grazing.

Grain had to be sown even in pastoral country for the benefit of the herdsmen and to some extent of their animals. Varro shows that cereals were fed to calves, horses, asses, mules, sheep, and goats.[5] To some extent

[1] Cato, *de agric.* 54–9. But cf. p. 373 n. 3.

[2] Ibid. 149.

[3] *FIRA* i, no. 8. 26. Most remaining *ager publicus* is to be unenclosed and pasturage (25), which does not prove that it was all uncultivable and that none was later, if illegally, brought under cultivation. On the *calles* see p. 291.

[4] Bruttian 'nobiles pecuariae', Varro ii. 1. 2, cf. Virg. *Georg.* iii. 219; *Aen.* xii. 715 ff. (Sila). As today, cattle grazed in the mountain forests, 'pascua silva' (*Dig.* l. 16. 30. 5), cf. Calp. Sic. vii. 17: 'omnis Lucanae pecuariae silvae'; Sen. *de tranq.* ii. 13.

[5] *RR* ii. 2. 13, 5. 17, 6. 4, 7. 7, 7. 11, 7. 14, 8. 2, 8. 4, 11. 2. Cf. the contemporary Aelius Gallus for 'particula saltus' producing food for 'pastores' or 'custodes' (Festus 394 L.). Sheep also grazed on the vegetation of fallow after the first ploughing (Col. vii. 3. 20; vi pr., 1).

cereal cultivation could be combined with pasturage in another way. Varro also recommends that animals should be driven on stubble, not only to provide them with feed but to manure the soil.[1] But obviously the stubble cannot have fed them for long; much land had to be reserved for winter pasturage, requiring less intensive use of labour. Thus sheep drove out men.

We hear of cattle, horses, mules, asses, and goats. Pork was an important article of diet in Italy (in so far as the inhabitants could afford meat). Strabo regarded the Po valley as the principal source,[2] but pigs must have foraged in the woodlands of the Apennines; they were perhaps of particular importance in Lucania, which was famous for a sort of salami, and was later to supply Rome with pork.[3] However, to the ancients sheep, as Columella observed, were the most useful animals, since they furnished not only wool and hides, but milk and cheese and fine dishes for elegant tables; lamb or mutton was indeed not apparently an article of common diet.[4] Given the low rate of consumption in an age when most people were at or near subsistence level, one must doubt whether stockbreeding in the south did not soon reach a peak at which profits began to fall, and whether its extension was not further limited by production in the north. Varro tells that Apulian wool sold at a higher price than 'Gallic',[5] and much later Pliny says that Apulian and 'Greek', i.e. Tarentine, wool were most prized,[6] while Martial puts Apulian above that of Parma and Altinum.[7] Pliny was perhaps repeating an older author; he goes on to say that no white fleeces commanded higher prices than those from the Po, and Columella states that Calabrian and Apulian sheep used to be regarded as outstanding, and Tarentine as the best of all, but that now the sheep of Altinum, Parma, and Mutina were considered more valuable; he indicates that the Tarentine breed was so delicate that it required excessive care.[8] Strabo, moreover, thought that slaves were generally clad in wool from Liguria and some other part of north Italy.[9] No doubt different wools were appropriate for different products, Paduan, for instance, for carpets, and some of the southern wools for fine garments,[10] though Martial seems to suggest that Canusium supplied the army (presumably in part).[11] Whatever the extent of northern competition,

[1] *RR* ii. 2. 12. [2] v. 1. 12.

[3] Magaldi 33. Woodland the best grazing for pigs, Col. vii. 9. 6. Lucanian and Bruttian pork for Rome, *C. Th.* xiv. 4. 4, etc., cf. *Tot. Orb. Descr.* 53: 'Lucania regio optima et omnibus bonis abundans (I) lardum multum aliis provinciis (sc. in Italy) mittit, quoniam montes eius et variis abundant animalibus et plurima pascua.' On consumption of meat, esp. pork, see E. Fraenkel, *Elementi Plautini in Plauto* 124 f.; 238 f.; 409 ff.; J. André, *L'Alimentation et la cuisine à Rome*, 139 ff.

[4] Col. viii. 2. 1. André (last note) 142 for lamb and mutton; milk was not much used (ibid. 153 ff.) and cheese from cow's milk was preferred (ibid. 156).

[5] *LL* ix. 39. [6] *NH* viii. 190. [7] xiv. 155.

[8] vii. 2. 3 and 5. 4 *passim*. Tarentine, i pr., 26; Hor. *Odes* ii. 6. 10; Canusine, Juv. vi. 50; Mart. ix. 22. 9 (the labourer 'canusinatus', cf. xiv. 127, 129; Suet. *Nero* 30); Lucerian, Hor. *Odes* iii. 15.

[9] v. 1. 12. [10] Strabo v. 1. 7 and 12. [11] xiv. 129.

however, it is clear that wool long remained the chief product of southern Italy.

As dictator, Caesar enacted that one-third of the herdsmen in Italy should be free.[1] This plainly implies that in his opinion there was a need to provide employment for the free poor in the regions where ranching was common; it might be doubted if he hoped that townsmen in Rome would betake themselves to the hard, lonely life of the shepherd. He may also have wished to reduce the insecurity that the use of armed slaves as shepherds tended to produce (Appendix 8). We are not to infer that it was already at all usual for ranchers to employ free labour: rather the opposite. Nor need his measure have taken effect. Writing a decade later, Varro simply assumes that the *pastores* will be slaves.[2] It is significant that it was in the southern ranches that servile insurrections later threatened.[3] Not only did the displacement of the plough by the sheep-run keep down population: it also meant that the reduced population was largely servile.

Thus everything goes to show that Samnium, Lucania, Bruttium, Calabria, and Apulia were thinly settled by the end of the Republic. Much of the country was unsuited for cultivation, and much cultivable land was turned over to grazing. The extent to which this process had gone must not be exaggerated. There was a limit to which ranching was profitable. Each district continued to produce the food it required.[4] Apulia even had a surplus of grain. None the less, great stretches of country were devoted to grazing, as a result of the devastations of the Hannibalic war, the annexations of territory by Rome that ensued, and the new opportunities for exploiting the system of transhumance that then appeared. All this prevented a recovery from the depopulation the war had brought about, a recovery that obviously occurred in Campania, which had suffered no less from ravaging (Chapter XVI). Even the cultivable land often fell into the hands of *latifondisti*, who tended to employ slaves on arable just as much as in their ranches. A grave decline in the numbers of the free population may only have occurred after the calamity of the Social war and its sequel in the late 80s, in which Samnites and Lucanians could still furnish large forces. The decay of towns, their small size, and in some parts their infrequency not only indicates how little industry and trade there was in the south (this we can also infer from the paucity of literary, epigraphic, or archaeological testimony) but suggests that there was little demand for

[1] Suet. *Caes.* 42. 1. For free-born 'pastores' Sen. *Ep.* 47. 10.

[2] *RR* ii. 10. [But cf. Brunt. *Latomus*, 1975, 627 for hired *pastores*.]

[3] Tac. *Ann. iv.* 27: 'agrestia per longinquos saltus et ferocia servitia' near Brundisium; xii. 65: charges against Domitia Lepida 'quod parum coercitis per Calabriam servorum agminibus pacem Italiae turbaret'; *ILS* 961: 'legatus missus . . .[c]um A. Plautio (consul A.D. 29) in Apulia [ad servos to]rquendos.'

[4] Col. vi. 3. 3: 'paleis quae *ubique* et in quibusdam regionibus solae praesidio sunt' sc. for animal fodder, cf. vii. 1. 1.

urban centres to supply a vigorous, free peasantry; the great estates, worked by slave gangs, tended to aim at self-sufficiency, and did not depend so much as small farms on urban markets. The picture Kahrstedt draws of rural prosperity in some parts of Magna Graecia may also be true for Calabria and the Apulian coast, which he did not study; but in some degree it may refer to the post-Augustan era; it may be overdrawn; and in any event the profusion of villas in the country can be taken to confirm rather than to confute the hypothesis that the free population in the south was much reduced; it is probable that the labour force in most of these villas was mainly composed of slaves. Columella takes it for granted that even the *vilicus* will normally be a slave; and it is congruent with this that the few *vilici* and *actores* epigraphically attested in the south are, with one exception, all slaves.[1]

I have urged in Chapter X that the 'laudes Italiae' can be reconciled in part with complaints about the 'solitudo Italiae', if we remember that the latter relate to the thinness of the *free* population, and the former to high productivity, to which slaves greatly contributed. In part: for it is beyond doubt that the encomia on ancient Italy are grossly extravagant. In the south they were not deserved. Some districts of Latium may have been opulent, though no free worker was in sight; but we have no reason to question that large tracts in the south, which had once been flourishing and were again to be populous, were deserted in the time of Augustus, except for flocks and herds roving with their slave attendants.[2]

[1] Col. i pr., 12, 7. 6, 8 *passim*; xii. 3. 6. The Apulian, Calabrian, and Samnite inscriptions in *CIL* ix give 6 slaves and 1 freedman as *actores*, 3 slaves as *vilici*; for slaves as *actores* in Lucania x. 238 and probably 284 f.; those of 419 ff. seem to be free. For Juvenal viii. 180 Lucania is a typical land of slave labour.

[2] In Table VIII (p. 97) I allowed for a 12½ per cent increase between 225 and 69 in the number of the southern allies. Although they include the flourishing cities of southern Campania, the rate of increase may well be too high; indeed even in south Campania Nola at least suffered heavily in the 80s. It is also hard to believe that the south had recovered significantly from losses in that decade by 28 B.C. Now in 225 the southern allies probably constituted about one-third of the total free population of peninsular Italy, see Table V on p. 54. If population in this sector was stationary or actually declining between 69 and 28, that would be a factor of major importance in assessing the probability of the view that in 28 the citizen body would have been even as large as forty years before but for enfranchisements. It would be quite reasonable to assume that in 28 the proportion of new citizens was substantially higher than suggested on p. 117.

XXI

THE URBAN POPULATION OF ROME IN THE REPUBLIC

(i) *Numbers of Corn-Recipients*

MODERN computations of the population of ancient Rome have been based on data of various kinds mainly from the Christian era and are widely divergent. In my view it has been shown that none is reliable; we lack information from which exact estimates can be deduced.[1] In any case imperial data are not relevant to the period with which we are concerned here. For the Republic we can do no more than fix a minimum. This can be inferred from the number of corn-recipients.

It was Gaius Gracchus who first introduced cheap corn-rations distributed each month in 123.[2] The number of recipients at this time is not recorded, nor do we know how far the price charged, 6⅓ *asses* for the *modius*,[3] stood below the average market price.[4] No doubt the arrangements Gracchus made for building more *horrea* to store grain[5] enabled the government to buy when prices were relatively low and to minimize the expenditure on the distributions. Some writers speak as if grain was given away under Gracchus' law. This is certainly an error, and it does not follow merely from their language that the charge under Gracchus' law was a mere bagatelle; their judgement was perhaps coloured by experience of the later 'largitiones'. But Gracchus was accused of exhausting the treasury, and that suggests that there was a large element of subsidy in his fixed price and that the cheap grain went to a large number of recipients; indeed, the story

[1] F. G. Maier, *Historia* ii. 318 ff.

[2] *Per.* Livy lx.

[3] The average market price of grain *at Rome* must not be inferred from that (3–3½ sesterces a *modius*) which the government paid for *requisitioned* grain in *Sicily* in 73–71 (Cic. *Verr.* ii. 3. 163), *contra ESAR* i. 192; certainly, the cost of shipment and storage must be added; and prices in other supplying areas may have been higher or lower; the market price at Rome, if not subsidized, would depend on the cost of the supplies marginally necessary to prevent shortage. Prices may also have varied from period to period, and daily oscillations on the market undoubtedly occurred; even if we could fix an average, it would tell us little about the daily necessities of the poor. What they needed, moreover, was not grain but bread, and costs of milling and baking must be added to the cost of wheat. Pliny, *NH* xviii. 89, gives an average price for 'farina' of 40 *asses* for the *modius*, finer meals costing more, and N. Jasny, *Wheat St. of Food Res. Inst.* xx, 1944, 137 ff. reckons that this corresponds to 8 sesterces for a *modius* of wheat. This is the only usable figure for ancient Rome, but it may not be true of our period.

[4] Plut. *C. Gr.* 6; Festus 392 L.

[5] App. *BC* i. 21; Vell. ii. 6. 3.

that a consular applied for rations shows that citizens were eligible without a means test. We are also told that Gracchus championed the treasury in his speeches.[1] The explanation is doubtless that Gracchus claimed that his reorganization of the taxation of Asia was required by the interests of the treasury. This measure was probably prompted not only by his desire to win over the *equites* with the prospect of new profits but by the necessity of putting the treasury in funds to meet the cost of the grain distributions.

Cicero commended one M. Octavius whose authority and eloquence secured the repeal of Gracchus' law by a large majority and who substituted a modest for an extravagant largess, distributions that were tolerable to the state and necessary to the plebs. Yet another frumentary bill was successfully opposed by Marius as tribune in 119.[2] It seems to me likely that Octavius' modification of the Gracchan law should be set before 119 and that Marius resisted an attempt to revive the Gracchan scheme. It is puzzling that Octavius, who was presumably tribune, should have succeeded in amending a scheme that was so advantageous to the plebs whose votes he had to win. Conceivably he induced them to limit the recipients to citizens of free birth, or to ingenuous *proletarii*, domiciled at Rome.[3] If freedmen already constituted the majority of the proletariat in the city, this would have been a great saving to the treasury, and it could have been urged that it was the responsibility of their patrons to support indigent freedmen; as freedmen were normally restricted to only 4 of the 35 tribes, Octavius might have won the backing of the other 31 with the argument that his proposal alone assured them of the certainty of receiving cheap grain, for the treasury could not provide funds to maintain Gracchan distributions. But perhaps other conjectures could be made.

In either 103 or 100 Saturninus proposed a new frumentary law, which allegedly concerned the price of rations. The figure of five-sixths of an *as* for the *modius*, which the manuscripts give, can easily be amended to the Gracchan price of 6⅓ *asses*, and the meaning would then be that Saturninus revived the Gracchan price. That would imply that someone, presumably Octavius, had raised it. But it is hard to believe that he could have carried a large majority of the poor in putting up the cost of food. The text might mean that Saturninus proposed to reduce the Gracchan price. The bill was opposed as too costly and the assembly was broken up by the urban quaestor, Q. Servilius Caepio. Caepio was indicted for *maiestas*, but evidently not condemned, for he remained in politics. Of the fate of the bill we hear nothing. But, whether it be dated to 103 or to 100, Saturninus was so powerful that we can hardly doubt that it was ultimately passed. Some scholars

[1] Cic. *de off.* ii. 72; *Tusc. Disp.* iii. 48. Cf. now E. Badian, *Roman Imperialism in the Late Republic*, Pretoria, 1967, 42 ff. See also Diod. xxxv. 25, Cic. *Sest.* 103.

[2] *Brut.* 222; *de off.*, loc. cit., Plut. *Mar.* 4. Cf. pp. 378 f. on the law of 73.

[3] Trajan extended the *frumentationes* only to children of free birth (Pliny, *Pan.* 28. 4).

believe that Saturninus' laws of 100 were annulled. Such a nullification would not have affected a measure passed in 103, but in any event it seems to me clear that their view is mistaken. We may then conclude that Saturninus reduced the charge for grain rations from the Gracchan level, perhaps to five-sixths of an *as*. There is no evidence that he enlarged the number of authorized recipients.[1] Drusus in 91 also passed a frumentary law.[2] Whether it further reduced or abolished the charge, or increased the number of beneficiaries, we do not know. It does not matter; Drusus' laws were undoubtedly annulled.

It appears that from 123 to Sulla's dictatorship cheap grain was available to some of the plebs at Rome. Gracchus had permitted all citizens to claim rations, but soon after his death title to the rations was more narrowly restricted; on the other hand, in 103 or 100 the charge was reduced. Unless Octavius imposed an arbitrary maximum on the number of recipients (which is possible), the number may have increased, in so far as there were progressively more citizens domiciled at Rome with the qualifications for benefit that his law probably defined. Sulla undoubtedly abolished the doles.[3] In 78 the consul, Lepidus, supported a proposal to give 5 *modii* a month to the people.[4] If it was passed, it must have been soon annulled or repealed, for a law had still to be made in 73 providing for the monthly distribution of 5 *modii*, apparently at the Gracchan price.

Cicero remarked in 70 that some 200,000 *modii* were enough to furnish the plebs with rations for a month. This proves that the number of recipients entitled to rations under the Lex Terentia Cassia did not exceed about 40,000.[5]

It has recently been argued that the Sicilian surpluses of grain in the late 70s were enough to feed 180,000.[6] This is true. Grain was also obtainable from Africa, Sardinia, and perhaps from some parts of Italy itself. But it does not follow that these supplies were all devoted to the cheap grain distributions. Even if we assume (as perhaps we may)[7] that all the grain shipped from Sicily went to Rome, and that none was diverted to army needs, the bulk of it must have been sold on the market. At this time the

[1] *ad Her.* i. 21, cf. *MRR* i. 578 n. 3; A Passerini, *Athen.* xii, 1934, 350 ff., which I now think conclusive against E. Gabba, *Athen.* xxix, 1951, 12 ff.

[2] *Per.* Livy lxxi. [3] Sall. *Or. Lepidi* 11. [4] Licin. 34 F.

[5] Sall. *Or. Macri* 19; Ascon. 8 C.; Cic. *Sest.* 55; *Verr.* ii. 3. 163, 5. 52. Badian, op. cit. 34 suggests the cost was to be covered by new revenues from Cyrene. Numbers: Cic. *Verr.* ii. 3. 72.

[6] R. J. Rowland Jr., *Acta Antiqua* xiii. 81 on *Verr.* ii. 3. 163. The texts cited in last note show that the law authorized purchases in Sicily, and it may well be that all such grain was to be sold at Rome at a price not exceeding that of purchase plus subsequent costs, i.e. at more than 3–3½ HS = 12–14 *asses*, cf. p. 376 n. 3. On the probable cost to the treasury in the 50s, a period of continued scarcity, see p. 379.

[7] But Crassus' army operating against Spartacus required supplies (unless it lived off the country); troops in provinces could be provisioned from other sources (cf. Cic. *Font.* 13).

treasury was exceptionally short of funds,[1] and there was good reason to limit the number of recipients who were entitled to obtain rations at a subsidized price. Cicero's statement shows that the number was so limited. The Lex Terentia Cassia gave assistance only to a small fraction of the urban population. But we may ask on what principle 40,000 recipients were selected. Again I would conjecture that they were *proletarii* of free birth, domiciled at Rome on a given date, presumably that of the law. It would not be surprising if the rest of the proletariat was composed of freedmen.

In 62, with Catiline still in arms, Cato thought it necessary to 'conciliate the poor and landless plebs by including them in the corn-distributions' at an additional cost of 30 million sesterces. Under Cato's law the price remained at its Gracchan level and, unless we suppose that it was higher under the Lex Terentia Cassia, we have further proof here that that law had limited the number of recipients; indeed the language of Plutarch, quoted above, shows that he understood the purport of Cato's measure to be an extension of distributions to people who had not benefited before.[2] Who these people were he did not know; if my conjecture is right, they were freedmen domiciled in Rome, and new migrants to the city.

Clodius finally abolished the charge in 58. Cicero alleges that this cost about a fifth of Rome's revenues.[3] Since he is likely to have overstated rather than underestimated the extravagance of a Clodian law, we may construe this as a statement about the total cost of the distributions in 56 (when he was speaking), rather than one about the extra cost compared with what the treasury already bore under the Lex Porcia. We may also perhaps assume that by revenues ('vectigalia') he meant provincial revenues, the τέλη which Pompey had recently raised to 540 million sesterces. Thus the total cost was, according to Cicero, 108 million sesterces.[4] Moreover, the years 58–56 saw a severe and persisting scarcity,[5] and the government may have had to pay more *per modium* than in 62. Since grain prices are not known (cf. p. 376 n. 3), we cannot calculate the number of recipients (at 5 *modii* a month) from the figures for expenditure under either Clodius' measure, or Cato's. (But if there were 300,000 recipients, the cost *per modium* was 6 sesterces.)

Dionysius of Halicarnassus observed from his own experience in the next generation that Roman masters would liberate slaves in order that they might become eligible for the corn-doles and other largesses.[6] The practice

[1] Sall. *Or. Cottae* 6 f.; *Ep. Pomp.* 2 and 9 (75 B.C.); Cic. *de imp. Cn. Pomp.* 14 ff. (74); financial difficulties must have persisted so long as great numbers of men were in the army, i.e. until 71. It is significant that in 74 the senate decided to exploit the bequest of Cyrene (p. 378 n. 5).

[2] Plut. *Cato Minor* 26; *Caes.* 8.

[3] Ascon. 8 C.; Cic. *Sest.* 55; Schol. Bobb. 132 St.

[4] Plut. *Pomp.* 45, on which see Badian, op. cit. (p. 377 n. 1) 70 f.

[5] Brunt, *Past and Present*, 1966, 25 ff.

[6] iv. 24. 5, cf. Suet. *Aug.* 42. 2 (manumissions to secure a share in an Augustan *congiarium*).

is comprehensible because the master could exact an undertaking from the slave at the time of his manumission, which was binding at law, whereby the man had thenceforth to render unpaid services to his patron. His obligation might be limited to a period, say of three years, or it might last so long as he exercised his craft. The number of days of labour ('operae') might be specified, and they must not be excessive; but what that meant was simply that the patron must allow the freedman sufficient time to maintain himself or must himself provide maintenance.[1] Hence presumably the patron could exact more days of labour, if the freedman's right to obtain free grain from the state diminished the time he needed to earn his own livelihood. By manumitting a craftsman the patron could retain for his own benefit most of his surplus productivity and shift on to the public treasury much of the cost of maintenance. It is clear from a statement of Dio that the practice went back to 56 B.C. Dio tells us that Pompey, in virtue of his *cura annonae*, drew up a list of the newly manumitted who were entitled to rations. Probably there is some confusion here; as van Berchem suggested, Pompey was surely concerned to draw up, or rather to revise, a list of all recipients.[2] The administration had been in the hands of Clodius' creature, Sextus Cloelius,[3] and probably every claimant was freely admitted. Dio says that Pompey was able to bring order into the administration, but given the generally anarchic conditions that prevailed in Rome in the ensuing years, it is unlikely that he was permanently successful. The number of recipients grew enormously, and they probably included even slaves who had been informally emancipated and who had, therefore, no true title to freedom and citizenship; the praetor protected their personal freedom, but all they acquired belonged to their old masters, who lost nothing by manumitting them, and did not even have to pay the tax on manumission. Thus Clodius' law set off a flood of manumissions, and freedmen composed an ever larger proportion of the *plebs frumentaria*. In addition the rural poor were tempted more than ever before to migrate to the city. This process was not new. According to Livy the Latins who had exercised the *ius migrandi*, sometimes illegally, in the early second century had come to live in Rome. This may well be true, even though it is a mistake to suppose that it was only by moving to Rome, rather than to any part of the Ager Romanus, that a Latin could obtain the Roman franchise.[4] If Rome attracted Latins, it must also have attracted those who were already citizens. At one time I

[1] P. Rutilius, praetor *c.* 118, regulated the freedman's obligation to *operae*, *Dig.* xxxviii. 2. 1, cf. 1. 2; both texts are interpolated. For the statements made above see esp. xxxviii. 1. 7. 3; 1. 23 pr.; 1.18; xlv. 1. 54. 1, full discussion in C. Cosentini, *Studi sui liberti*, 1948–50, but cf. M. Kaser, *ZSS* lxviii. 576 ff.

[2] Dio xxxix. 24, cf. D. van Berchem, *Les distributions de blé et d'argent à la plèbe rom. sous l'empire*, 1939, 20 f.

[3] Cic. *Dom.* 25.

[4] For the texts see p. 72 n. 1.

argued that rural workers had little motive to drift into Rome until they could obtain free grain, and that even then the extent of the drift is perhaps exaggerated, since they had few opportunities for employment there; shops and crafts were largely monopolized by freedmen, and in any case displaced rural workers could not compete with them for lack of the relevant skills. However, the city provided shelter and doles from the great houses as well as from public funds; they could still go out to do seasonal work in the fields, and there was certainly more casual employment in docks and the building trade than I had allowed.[1] Sallust at least dates the drift before 63, and I now see reason to accept his testimony.[2] However, if the conjecture advanced earlier is sound, the number of free-born recipients of cheap grain in 70 was about 40,000. Most of these may have been immigrants from the countryside. It will appear later that among the city proletariat fertility was probably low and mortality high; in that case many may have come in to Rome and died there, without leaving descendants. The other ancient testimony on the rural drift to Rome all relates to times after Clodius' law, and it cannot be doubted that the abolition of the charge must have accentuated the movement.[3] By Caesar's dictatorship the number of free-born among the city poor was probably above 40,000.

It is now at last that we have a figure for the number of corn-recipients, 320,000, which Caesar reduced to 150,000.[4] He organized the removal of some 70,000 to colonies overseas (Chapter XV, section v); this still leaves some 100,000 persons who were removed from the list, without being found livelihood elsewhere. It is very unlikely that many of these had been killed in the civil war, as van Berchem thought;[5] war casualties among citizens were not severe, and in any case the urban poor seldom served in the legions. Caesar carried out a careful enumeration of the urban population through the agency of owners of *insulae*, and I imagine that he ascertained that many of the recipients were not entitled to rations, being informally manumitted slaves or foreigners.[6] Perhaps too he sought to compel more recent immigrants from the country to seek employment outside Rome, e.g. as shepherds (p. 374 n. 1). It seems that he fixed 150,000 as a maximum number of recipients for the future; new names could only be registered by a process of 'subsortitio', which a fragment of the Table of Heraclea does little to illuminate, in place of recipients who had died.[6]

[1] *AL* 69 f., corrected in *Past and Present*, 1966, 13 ff.

[2] *Cat.* 37. 4–7. If the Lex Terentia Cassia did not impose an arbitrary limit to the number of recipients, but merely required the qualification of free birth, there may have been more than 40,000 recipients by 63.

[3] Varro, *RR* ii pr., 3; App. *BC* ii. 120; Suet. *Aug.* 42. 3.

[4] Suet. *Caes.* 41. 3, cf. Plut. *Caes.* 55. 3; *Per.* Livy lxv (inaccurate); Dio xliii. 21. 4. Cf. p. 104 n. 3. Dio misled van Berchem on war casualties, cf. also p. 111.

[5] Op. cit. 22; I agree with him (16 f., 25) that poverty was not the test; hence citizens cannot have been removed from the list because they had adequate private means.

[6] Suet. *Caes.* 41; *FIRA* i, no. 13, 1 ff.

Caesar's system did not outlast his death. Already in 44 and on many later occasions Augustus made gifts of grain and money to 250,000 or more members of the *plebs frumentaria*. In 5 B.C. the total again reached 320,000. At last in 2 B.C. Augustus returned to Caesar's system; he held a new enumeration, and fixed the number at about 200,000. It seems that in A.D. 14 and 37 it had been further reduced to 150,000. The modes of bringing and keeping the number of recipients down to this figure do not concern us; it is evident that after 2 B.C. they did not comprise all the urban poor.[1] Thus after 58 the number of corn-recipients rose to 320,000, not all of whom need have been citizens; after Caesar settled 70,000 *proletarii* abroad, it sank to 250,000, rising again to 320,000 in 5 B.C.; thereafter it was stabilized at 200,000 or less. Of what age or sex were the recipients? Suetonius says that Augustus' *congiaria*, which appear to have been distributed to the corn-recipients, went sometimes to boys, though hitherto no one had been eligible until the age of ten; the first occasion on which he showed such liberality was apparently in 29. We may conclude that under the Clodian regime boys of over ten benefited, and it seems that before Trajan (*infra*) 'children', i.e. boys under ten, did not normally do so; Augustus' *congiaria* did not change the rules. Girls were evidently excluded until the time of Marcus Aurelius. It may be assumed that women in general were not recipients; an imperial inscription indeed attests that a woman was registered as a recipient with her son, but it is plausibly conjectured that she was a widow, and that an exception was made for widows.[2]

(ii) *Total Numbers*, c. 58–52 B.C.

The ration proposed by Lepidus and granted by the Lex Terentia Cassia was 5 *modii* a month. There is no indication that it was increased by Cato, or Clodius, or at any later time. The Roman legionary received 3 and old Cato gave his slaves 3 to 4½, according to the heaviness of the labour they had to do.[3] The *frumentationes* were thus more than enough for a single man, but insufficient for a family. In any event no one could live on bread alone. Their purpose was to supplement what the poor had to buy.

Most of the recipients were surely freedmen. I have tried to show elsewhere that they were less apt than citizens of free birth to marry and raise families (Chapter XI, section v). But the poor in general, when they had no stable source of income, tended to be unmarried and childless (Chapter

[1] *RG* 15. On the identity of the recipients of free grain and of *congiaria* see van Berchem 128; Fronto 210 N is decisive. The distributions mentioned in *RG* 18 went, however, only to 100,000, or at times many more; I do not understand on what principle they were singled out. Gagé (ad loc.) is surely right in rejecting Mommsen's view that the beneficiaries were provincials. Reduction in numbers, Dio lv. 10. 1, cf. Suet. *Aug.* 40; van Berchem 28 f., 145 f.

[2] Van Berchem, ch. II; see Suet. *Aug.* 41; Dio li. 21. 3 (29 B.C.); girls, SHA, *Marc.* 7. 8, 26. 6; *ILS* 6065, cf. p. 387 n. 3; women, *ILS* 9275.

[3] Polyb. vi. 39 with Walbank's note; Cato, *de agric.* 56.

XI, sections iii, iv, and vi). If some of the dispossessed peasants who drifted into Rome brought wives and children with them, others were probably younger sons who had never had any means to establish a household. All in all, I consider that to allow for the wives and children of the corn recipients we need do no more than double their numbers, from 320,000 to 640,000 or from 250,000 to 500,000.

Some 600 senators and (at a venture) 2,000 *equites* had their town houses in Rome and resided there from time to time. Numerically, they are insignificant. There is no evidence for a middle class in the city, intervening between them and the poor, except for some rich freedmen. Thus, only the slaves remain. But the total of slaves should have been much reduced in the period we are now considering, if masters were prone to manumit them in order that they might obtain corn rations. Perhaps it would not be far wrong to put it at 100,000–200,000. Before 58 the number of slaves would have been higher and that of freedmen lower.

It may then be concluded that there were about three quarters of a million inhabitants in the city of Rome in the late Republic and in the time of Augustus.

(iii) *The Growth of the City before 58* B.C.

Tenney Frank suggested that in the regal period the city had an area within the walls of over a square mile 'which would readily hold over a hundred thousand'.[1] However, the area enclosed by walls may have contained vacant space where rural dwellers with their animals could take refuge during enemy incursions. Nor do we know the density of buildings in the built-up area. The urban population of early Rome is thus unascertainable.

As the wealth of the upper classes increased in the third century and still more rapidly thereafter, the luxury and size of their households must have grown, and their demands no doubt supported a larger number of craftsmen and shopkeepers, of whom more and more were freedmen. Rome also supplied farmers with some of their requisites; and arms, in particular, must have been made in the city. Thus the population, especially the servile population, must have steadily increased; more and more dockers and porters and storemen were required to meet the needs of the rest of the inhabitants; more and more builders for both public and private constructions.[2] To say nothing of slaves, free workers began to move into the city probably as early as the second century; the drift was accelerated by the introduction of cheap or free grain-doles. The public construction of many docks, markets, and porticoes after the Hannibalic war marks the growth of

[1] *ESAR* i. 21.

[2] Brunt, *Past and Present*, 1966, 13 ff. for evidence.

the city, and contributed to it by providing employment.[1] Naturally, there must also have been much private building which is unrecorded.

The only way to measure the city's growth, albeit approximately, is to be found in what Frontinus tells us of its water supply. We do not, of course, know the average consumption of water per inhabitant, nor whether the supply was adequate to potential needs, but the fact that the supply was enormously increased in four stages, 312–273, 144–127, 40(?)–27, and finally under Claudius, suggests that on the eve of each new development (except perhaps the last) it was grossly insufficient; in the Republic at least the government would otherwise hardly have undertaken such costly building operations. Initially Rome was supplied from the Tiber and from local springs and wells; the Aqua Appia (312) and Anio Vetus (273) first brought in water from distant sources; according to Frontinus, in his day they actually delivered 2,052 *quinariae*. He reckons the water delivered by Aqua Marcia (144) at 1,840 *quinariae*. It is not clear how much of this supply went back to Marcius' time. Augustus, who repaired all the older aqueducts, claimed to have doubled the supply of Marcia, and Claudius also provided for its being supplemented in case of need; on the other hand the water from these sources was normally diverted in Frontinus' time into Aqua Claudia. But, as Marcius also repaired the older conduits, it seems safe to suppose that he nearly doubled the total supply. Frontinus expressly explains his work by the increase of population. In Frontinus' time the water carried by Tepula came from Marcia, Julia, and Anio Novus, and the figure he gives for the water it delivered (445 *quinariae*) has no relevance to the time of its construction in 127 B.C. He says that the aqueducts built under Augustus delivered 3,699 *quinariae*, but to this total we might add the water taken by Tepula from Julia (190 *quinariae*) and the new supply to Marcia, which was ultimately turned into Claudia; granting that Augustus' claim to have doubled the Marcian supply was exaggerated, this might still have amounted to 1,000 *quinariae*. (Claudia delivered 3,312 at the seventh milestone, though only 1,750 reached the city.) Thus the water supply of the city may again have doubled under Augustus, and if the population was then about 750,000, and the provision no more lavish than *c.* 130, it might at that earlier date have been about 375,000, having perhaps at least doubled since *c.* 270. The uncertainties of this calculation are patent; standards may have changed, and we cannot be confident that the relative abundance of the supply from particular aqueducts, especially Marcia, had always been what it was about A.D. 100. But it may be a rough gauge of the increase of population, largely due (in my judgement) to the constantly rising number of slaves and freedmen.[2]

[1] List in *ESAR* i. 183 ff.

[2] Frontinus *de aq.* 1–12 lists and dates the aqueducts; 7 cites Fenestella for the cost of Aqua Marcia, 180 million HS (on Frank's guess in *ESAR* i. 229 equal to 4½ years' revenue);

(iv) *Mortality and Fertility in the City*

The Romans were justly proud of their aqueducts, indispensable structures and, therefore, finer than the Pyramids or the renowned but unserviceable monuments of the Greeks, as Frontinus (i. 16) was to claim. Much earlier, Strabo (v. 1. 8) had been impressed with the veritable rivers that ran through the aqueducts and sewers, with the public fountains and the cisterns and service-pipes with which 'almost every house' was equipped. Yet before Agrippa's new works the supply of water must surely have been insufficient, and even in the Principate, when it had again been increased, it was laid on to private houses only for a fee, which most residents probably could not afford; Strabo evidently viewed the houses of the great. Nor did the water supply ever reach the upper storeys of the towering flats in which the majority of the population dwelt. The urban poor must have lived in misery and squalor, crowded into congested, jerry-built apartments, of excessive and dangerous height, ill lit, ill ventilated and ill warmed, with no proper cooking facilities, no latrines, no connection with the magnificent sewers, and only such water as was brought by carriers. The narrow, winding streets must usually have been filthy with ordure. I need only refer to the description of Carcopino; it is mainly based on imperial evidence, but given the breakdown of administration in the late Republic and the improvements for which many emperors were responsible, conditions must have been far worse before Augustus. Cicero in fact depicts the ordinary citizen as possessing no more than a bed and a stool in the room where he lived, worked, and slept. Fires or floods might often deprive him of shelter and his few belongings; indeed the houses might simply topple down. Yet he paid high rents and had little protection against the landlord.[1] If the poor had no more clothes than Cato allowed his slaves, a tunic and cloak every other year, they must normally have been

Marcius also repaired the older aqueducts. Likewise Agrippa repaired Appia, Anio Vetus, and Marcia (ibid. 9). Dio xlviii. 32. 3, *contra* Front., loc. cit., dates Aqua Julia to 40, not 33. For Augustus' own work see *RG* 20. 2; *ILS* 98; Front. 12, 125. The water with which he and Claudius supplemented Marcia normally went to Claudia in Frontinus' time (ibid. 14, 72). For deliveries by the various aqueducts, ibid. 64 ff.: I have taken the figures he gives for actual deliveries in Rome, which he contrasts both with those he found in the official records and with the volume of water available at source; he dilates on the quantity lost by illegal tapping for private purposes, a practice as old as Cicero's time (75 f., cf. Cic. *Fam.* viii. 6. 4) or earlier, but his calculations of what should have been delivered are faulty, see Ashby-Richmond, *Aqueducts of Ancient Rome*, 1935, 30 f. Note that Claudius provided over 4,000 more *quinariae* by building Anio Novus and 1,750 for the city itself by Aqua Claudia, part of whose water was drawn from the Augustan spring, which had previously fed Marcia; on any estimate he increased the total supply by over 60 per cent, but I surmise that his work need not be explained by a vast growth in population; he substantially raised standards.

[1] See Z. Yavetz, *Latomus* xvii, 1958, 500 ff.; Brunt, *Past and Present*, 1966, 11–13; J. Carcopino, *Daily Life in Ancient Rome*, ch. II. Serious fires occurred, e.g., in 16, 14, 12, 7 B.C. and A.D. 6 (Dio liv. 19. 7, 24. 2, 29. 8; lv. 8, 26), floods in 54, 44, 27, 23, 22, 13 B.C. and A.D. 5, 12, and 15, J. le Gall, *Le Tibre* 1953, 29.

verminous.[1] There were no medical services or hospitals, which indeed in the then state of medical knowledge might have been death-traps. We have fearful accounts of conditions in epidemics.[2] In his *Roman Ostia* (pp. 142 ff.) Meiggs has favourably compared the public hygiene of that town, and other sanitary arrangements of the Romans, with conditions in the English industrial revolution. The relevant chapter is headed 'The Architectural Revolution' and relates to the first and second centuries A.D. Granted that he makes a more balanced assessment than Carcopino, the picture he gives is not (and is not intended to be) germane to conditions in Republican Rome.

Even after the institution of public corn-doles hunger was never far away, for overseas supplies might be cut off, as by the pirates *c.* 70–66 or by Sextus Pompey from 43 to 36, or fail for other reasons, as on many occasions in 58 to 56 and in the reign of Augustus.[3] Moreover, the doles did not provide the men with full subsistence, much less their women and children, and those who had no special skills depended on casual labour to earn what they needed to pay rent and buy the other necessities of life. In more modern times, before the advances of medicine and hygiene, mortality was far higher in towns than in the country, and some large cities only maintained or increased their populations by immigration.[4] It seems probable that in none of these cities were living conditions worse than in ancient Rome, especially before the Principate, when for the first time more or less efficient measures were taken to organize fire and flood prevention, the height of buildings was regulated, and the supply of water increased, and when grain became regularly available from Egypt as well as from Africa, Sicily, and Sardinia and a new organization was created for procurement. And unemployment and poverty are likely to have been more extensive in Rome than in Paris and London of the eighteenth and nineteenth centuries.

The death-rate will then have been higher in Rome than among the population of Italy at large, and since more than 10 per cent of the total population of Italy may well have been concentrated in the city, this must have had a significant effect on the overall mortality.

If it be true that slaves and freedmen, at least in the Republic, were less apt to marry and have children than the free-born (pp. 143 ff.), fertility must also have been low in the city, for it can hardly be doubted that slaves and freedmen formed the larger part of the urban population. This is no doubt why soldiers were seldom recruited there (p. 95 nn. 1–2). It has been suggested above that the free-born adult males of the poorer class numbered

[1] Cato, *de agr.* 59.

[2] Piles of corpses were left unburied in the streets, Livy xli. 21. 6, or thrown into the sewers and river, Dion. Hal. x. 53, cf. ix. 67. 2; the latter's description is no doubt borrowed from experience in the historic period. Hospitals, Liebenam 105.

[3] e.g. in 23–22 B.C. and A.D. 4–8, p. 118 n. 1, p. 120 n. 1.

[4] See Chapter XI, section (ii).

no more than 40,000 in 70; if we throw in senators and *equites*, and make liberal allowances for women and children, the ingenuous inhabitants can hardly have much exceeded 130,000, when the total population must already have risen above 500,000. This conjectural estimate fits the impression to be derived from the thousands of urban epitaphs, which show an enormous preponderance of freedmen both in general and among the skilled craftsmen. Statistics taken from these epitaphs undoubtedly underestimate the number of slaves living at any given time; a very high proportion of slaves will have died as freedmen, having spent most of their working lives in servitude. Do they also underrate the proportion of men of free birth? Perhaps: it can be urged that freedmen were more disposed to leave some memorial of themselves, for they may have taken a pride in the exercise of their crafts or merely in having earned their liberation, whereas the ingenuous poor had nothing to commemorate save that they had lived.[1] Moreover a tombstone cost money, and when crafts were mainly in the hands of the freedmen, and the men of free birth were restricted to casual, unskilled labour, they may not have had the means to pay for a memorial (p. 132). But it remains difficult to dismiss the epigraphic ratio between freedmen and free-born as wholly misleading. Again, Cicero's language often suggests the preponderance of freedmen in the mobs of the late Republic,[2] and with so many freedmen under the patronage of senators and *equites*, it does not seem plausible that they were more apt to riot than the free-born; rather the reverse. It seems to me safe to conclude that slaves and freedmen accounted for well over two-thirds of the urban population in 70, perhaps three-quarters.

I do not suppose that the free-born poor *in the city* were more prolific than the freedmen, rather less, as they were generally poorer. Trajan admitted boys, presumably under ten, if born in freedom, to the corn-doles. They numbered under 5,000, at a time when the total of corn-recipients was probably 200,000, perhaps 150,000 (p. 382 n. 2). As Trajan admitted them 'iam inde ab infantia', we may assume that all were included at least from the age of one. The proportion seems incredibly low, but Pliny would certainly not have understated Trajan's liberality: it must be accepted and explained.[3] No doubt infant mortality was very high from natural causes, but that is not enough to account for the fact that boys of 2–10 represented an addition of only 2 per cent to the recipients of grain. I doubt too if we can be content to hold that a sufficiently high proportion of the adult

[1] L. R. Taylor, *AJP* lxxxii, 1961, 113 ff. with earlier literature, to which add Duff, ch. VI, cf. 197 ff. Treggiari (p. 143 n. 3) 32 n. 4 counted 380 freedmen to 90 *ingenui* in the Republican or Augustan epitaphs, *CIL* i². 1202–1422, and 31–2 to 8, with 115–18 *incerti*, ibid. 970–1201. Taylor guesses that most *ingenui* were laid in nameless graves.

[2] *Past and Present*, 1966, 23 n. 73, cf. Cic. *de orat.* i. 38.

[3] Pliny, *Pan.* 26–8, esp. 26. 3, 28. 4. The children are to become soldiers, i.e. are boys. Boys epigraphically recorded as entitled to rations are *ingenui*, e.g. *ILS* 6064–6; 6069 f.

recipients were unmarried or had had no surviving children.[1] We must invoke the practices of exposure, and possibly of sale of children.[2] It is clear that in Trajan's time the free urban population was markedly failing to reproduce itself. Yet in the late Republic conditions were worse, not better, than in A.D. 100. It is then probable that the free population of Rome was maintained or increased only by manumissions and immigration.

[1] Some demographers think that fertility is normally lower in towns; this is disputed. See Clark 214–27 for varying differentials. There are of course no exact parallels to conditions in Rome. Under the Augustan marriage laws citizens at Rome were excused being *tutores* or *curatores* if they had 3 children; in Italy 4 were required, in the provinces 5 (Just. *Inst.* i. 25 pr., etc.).

[2] In Paris between 1770 and 1789 31 per cent of baptisms were of foundlings (Henry, *PH* 451). In Rome most foundlings would become slaves.

PART FOUR

MILITARY

XXII

CONSCRIPTION

AT all times all citizens had an obligation to serve in the armed forces when required, though certain categories or individuals might be exempted; these exemptions (*vacationes*) could themselves be suspended in emergencies.[1]

The duty was enforceable by stern penalties. According to Cicero defaulters could be sold into slavery, since their own conduct showed that they were not free men.[2] Manius Curius in 275 is said to have sold a citizen as a slave for refusing to enrol; Augustus extended the principle when he sold a Roman *eques* together with his property, because he had maimed his sons to make them unfit for the army; it was only a little more moderate when Trajan deported a father who maimed his son at the time of a levy, for deportation also involved loss of *caput*.[3] This extreme penalty was not always exacted; we hear instead, partly in annalistic stories of the early Republic which, though not historic, may reflect later practice or at any rate illustrate the magistrate's powers, that defaulters were flogged,[4] or fined,[5] or kept in bonds, or that their property was wasted.[6] In 214 the censors degraded citizens who had not served for four years and had no good excuse, and the senate is said to have ruled that they should be conscribed for service in Sicily, so long as the enemy remained on Italian soil. In 209 the censors similarly degraded *equites* who had evaded military service.[7] A defaulter in the Social war suffered confiscation of property and perpetual imprisonment.[8] At times tribunes intervened to obstruct the levy for political reasons or to protect individuals, but their powers were not

[1] *StR* iii. 240 f. *Vacationes* were enjoyed by (i) *seniores* (App. *BC* ii. 150); (ii) men who had served the required *stipendia*, on which see pp. 399 ff. (e.g. Livy xxxiv. 56. 9); (iii) the infirm (ibid.); (iv) some priests, officials, and their attendants (*StR* iii. 243); (v) citizens in maritime colonies (but cf. Livy xxvii. 38. 5; xxxvi. 3 for suspensions in 207 and 191); (vi) individuals who received immunity for various reasons (Liebenam, *RE* v. 602), e.g. allies for successful *repetundae* prosecutions, *FIRA* i, nos. 7, 76 ff.; *Lex Tarenti reperta* (Tibiletti, *Athen.* 1953, 38 ff.). References to *vacationes* or to their suspension in the late Republic show indirectly the continuing importance of conscription, e.g. Cic. *Att.* i. 19. 2 (60); *Phil.* v. 53 (43); *FIRA* i, nos. 13, 90 (*Tab. Her.*); 55. 22 (33 B.C.); 56 (*c.* 30 B.C.).

[2] Cic. *Caec.* 99, cf. *Dig.* xlix. 16. 4. 10.

[3] Curius, p. 628 n. 5; Suet. *Aug.* 24. 1; *Dig.* xlix. 16. 4. 12, cf. p. 398 n. 4.

[4] e.g. Dion. Hal. ix. 38. 2; Livy ii. 55; vii. 4. 2.

[5] Dion. Hal. x. 33. 3; Livy vii. 4. 2 refer to pecuniary losses; for fines cf. Gell. xi. 1. 4.

[6] Dion. Hal. viii. 87. 4 ff.; Sall. *Or. Macri* 26 f. (see Appendix 21).

[7] Livy xxiv. 18. 7 ff.; xxvii. 11. 15 f.

[8] Val. Max. vi. 3. 3.

apparently effective beyond the built-up area of Rome (p. 397). Under the Principate conscription in Italy came to be unusual, but the government never relinquished its right to compel service; it remained an offence 'detrectare munus militiae', though the penalty (not recorded) was probably not capital; a father who kept his son back from the army in time of war was liable to be banished and to lose part of his property, and in time of peace to be flogged, and it would seem natural if the same punishments applied to defaulters 'suae potestatis'.[1]

The Republic also enforced conscription on its subjects in the provinces, whenever convenient, at any rate for local service.[2] The use of provincials in the army increased in the first century B.C. and was systematized in the Principate. Some of course were volunteers, but in the Principate the government had no scruple in conscribing subjects for long service far from their homes; at no time did Rome rely wholly on soldiers willing to serve.[3]

Conscription was universal in ancient states. The annalists were surely right in assuming that it was normal in early Rome (Appendix 21). It is clearly presupposed in Polybius' account of the levy of legions, though this may rest on antiquarian lore rather than on personal observation (Appendix 19). The Latin term for a levy, *dilectus*, has a nuance of compulsion (Appendix 20). In the Hannibalic war conscription is specifically attested; men were punished for evading the levy (p. 391 n. 7). At times in the second century it aroused resistance (*infra*). Many historians have believed that it was less common after Marius and that the armies of the late Republic were mainly composed of volunteers: this will be contested in due course.

If only because military service was an obligation of immemorial antiquity and part of a citizen's normal experience, which few could expect to escape, it was probably not resented unless the burden became insupportable. Conscripts were not necessarily unwilling soldiers. Until 200 Rome's wars could for the most part have been plausibly represented as undertaken in self-defence, and patriotic sentiment may often have led men to come forward and give in their names, without awaiting orders.[4] Moreover, in the period when Rome was still subduing Italy, victories often led to distributions of land of which the beneficiaries were probably the soldiers who had won the battles. War produced its dividends. The practice persisted in the colonial foundations and viritane allotments of the early second century. In 200 Scipio's legionaries from Africa, and others who had seen long service in Sardinia, Sicily, and Spain were voted allotments proportionate

[1] *Dig.* xlix. 16. 4. 10–11.

[2] Livy xxxv. 2. 7 f.; 23. 8 f.; xxxi. 2. 5 f.; Dio xxxvi. 37. 2. Cf. Harmand 42–51.

[3] G. L. Cheesman, *Auxilia of Roman Imperial Army*, Oxford, 1914, 7–12. Conscription, Brunt, *Latomus* xix, 1960, 500 f.; *Dig.* xlix. 16. 4. 10 only shows that volunteers preponderated in Severan times. I hope to give more evidence elsewhere.

[4] Val. Max. ii. 3 pr., idealizing the good old days, cf. Appendix 19.

to their years with the legions.[1] In colonies *equites*, centurions, and *pedites* received farms varying in size with their rank.[2] No doubt these criteria had been followed in earlier days. The distributions of lands to veterans in the late Republic were not so much a novelty as a revival of an ancient practice. The Italian wars must also have yielded slaves and booty. It is significant that in 264 the people were keen to intervene in Sicily, because they hoped that they would individually derive manifest and important profits from an easy victory there.[3] We may contrast their reluctance to be drawn into war with Philip V of Macedon in 200, when they were exhausted by the heavy losses and unremunerative campaigns of the Hannibalic conflict.[4] It soon proved, however, that there was rich booty to be obtained in the east and at first in Spain. Table IX illustrates this from the increasing scale of donatives at triumphs.[5] Some men must have been attracted into the army by hope of gain and also by sheer love of adventure and of the military life. Recruiting officers must have preferred soldiers who were anxious to enlist, and especially men who had already seen service and were well trained and experienced fighters.

But though there is some testimony for men volunteering before Marius, the evidence suggests that in general the Roman government had to rely on conscription for the legions, and that the levies became increasingly burdensome and unpopular. It was also a complaint of the allies in 90 that they were obliged to furnish two-thirds of Rome's armies, though denied the citizenship. Whether or not this alleged proportion corresponds to the facts (Appendix 25), the allies could hardly have voiced such a grievance if their contingents consisted primarily of men who desired to serve. Their complaint is one indication that conscription persisted after 107 at least for non-Romans. If we grant that the adult male inhabitants of Italy, excluding the native peoples of Cisalpina, were not much more than 1 million, we must think it unlikely that armies often greatly exceeding 100,000 men (Chapter XXIV) could have been raised except by conscription.

The story that the elder Scipio enrolled 7,000 volunteers for his projected invasion of Africa in 205 may be unreliable (Appendix 22). But in 200 the consul, P. Sulpicius Galba, was authorized to recruit volunteers among Scipio's veterans, and 2,000 are said to have joined his army; in a year they were mutinous, and denied that they had enlisted of their own free will; Galba's successor had to promise to consult the senate on their

[1] Livy xxxi. 4. 1–3, 49. 5, xxxii. 1. 6. See p. 70 n. 1.

[2] xxxv. 9. 7 f., 40. 5 f.; xxxvii. 57. 7 *f.*; xl. 34. 2 ff. Similar arrangements may be assumed in other colonies, where they are not expressly recorded.

[3] Pol. I. 11. 2.

[4] Livy xxxi. 6. 3–8. 1.

[5] In 181 L. Aemilius Paullus gave his men more than twice as much as consuls who had obtained far more plunder in Gaul ten years earlier; in 179 Q. Fulvius Flaccus distributed a donation when the treasury got nothing. In addition soldiers would often obtain booty (not always legally) when on campaign. See also p. 396 n. 2, p. 401 nn. 8, 9, p. 407 n. 3, p. 412 n. 3.

discharge, if they would return to their obedience, though we do not know whether he did so, nor if he did, with what effect.[1] In 198 Flamininus again recruited veterans of the Spanish and African campaigns, though not necessarily volunteers.[2] In 190 the great Scipio induced only 5,000 Romans

TABLE IX

DISTRIBUTIONS OF MONEY TO SOLDIERS, 201–167

All figures represent *denarii*

Date	Sums given			Source and remarks
	Pedites	Centuriones	*Equites*	
201	40			Livy xxx. 45. 3. Scipio's triumph *ex Africa*.
200	12			xxxi. 20. 7. Ovation from Spain.
197	7	14	21	xxxiii. 23. 7 ff. Triumph from Gaul.
196	8	24[1]	24	xxxiii. 37. 11 f. Triumph from Gaul.
194	27	54[2]	81	xxxiv. 46. 2 ff. Cato's triumph from Spain.
	25	50	75	xxxiv. 52. 4 ff. Flamininus' triumph from Greece and Macedon.
191	12·5	25	37·5	xxxvi. 40. 12 f. Triumph from Gaul.
189	25	50	75	xxxvii. 59. 3 ff. L. Scipio's triumph from Asia.
187	25	50	75	xxxix. 5. 14 ff. Fulvius Nobilior from Greece.
	42[3]	84[3]	126[3]	xxxix. 7. 1 ff. Manlius from Asia.
181	30			xl. 34. 7 f. L. Paullus from Liguria.
180	50[3]	100[3]	150[3]	xl. 43. 5. Q. Fulvius Flaccus from Spain.
179	30	60	90	xl. 59. 2. Q. Fulvius Flaccus from Liguria.
178	25	50	75	xli. 7. 1 ff. From both Spains.
177	15	30	45	xli. 13. 6 f. From Liguria.
167	100	200	300	xlv. 40. 1 ff. L. Paullus from Macedon. (Plut. *Aem.* 29 says that in *Epirus* his soldiers got only 11 drachmae each.)
	45	90	135	xlv. 43. 4. Anicius from Illyria.

Addenda. In a naval triumph of 167 *socii navales* received 75, *gubernatores* 150, and *magistri navium* 300. In 177 *socii* received only half the donatives given to citizens; this seems to be unusual; equal payments to allies are expressly recorded in 180 and at Anicius' triumph in 167.

Notes

(1) I suspect an error, as in other cases centurions received twice as much as the foot-soldier.

(2) Figure conjectured by analogy.

(3) In addition soldiers received *stipendium duplex*; i.e. if pay was 120 *denarii*, *pedites* received an extra 120, centurions an extra 240, and *equites* an extra 360.

[1] Livy xxxi. 8. 6; xxxii. 3. [2] xxxii. 9. 1.

and allies among his old soldiers to join up for the campaign he and his brother were to conduct against Antiochus; they had been authorized to enlist 8,000.[1] Memory of the profits made in the campaigns against Philip and Antiochus promoted enlistment in 171 against Perseus.[2] The senate at that time decided to call men up to the age of 50, but this is no proof of a shortage of younger men; their aim was to secure a cadre of seasoned soldiers, especially centurions, and the temporary resistance offered to the levy by former *primi pili* was due to their fear that they would be required to serve in ranks lower than those they had previously enjoyed. However, one of them, Sp. Ligustinus, overcame their objections by his example. He recounted that he had first been enlisted for the Macedonian war in 200 and, discharged in 195, had at once volunteered to serve under Cato in Spain and thereafter on so many occasions that he had 22 years of service to his credit. He had clearly acquired a taste for the military life, but he had been promoted centurion as early as 198, had latterly served as *primus pilus*, and was once more commissioned as such.[3] Probably Ligustinus' rewards had also been material; one may doubt if such a man had no more property than a hut and an acre of land,[4] which would not have qualified him for legionary service. A fragment of a speech of Cato 'de tribunis militum', which has been commonly dated to this year, seems to contemplate the recruitment of the poor and *proletarii*; perhaps it was thought desirable to recruit *proletarii* who had previously been *assidui* and who had been impoverished during their service, but whose past training and experience would stiffen the legions.[5] There were precedents for the call-up of *proletarii* in emergencies.[6] (Alternatively it seems conceivable that the property qualification for enrolment in the legions was reduced for a second time, as early as 171, see p. 404.) In 149, once more, the expectation

[1] xxxvii. 2. 3, 4. 3.
[2] xlii. 34. 6–35. 2.
[3] xlii. 34. 6.
[4] xlii. 35. 2.
[5] *ORF*[2] 58, no. 152; 'expedito pauperem plebeium atque proletarium.'
[6] Gell. xvi. 10. 1 quotes Ennius:

> Proletarius publicitus scutisque feroque
> Ornatur ferro; muros urbemque forumque
> Excubiis curant.

The occasion is doubtless that described by Cassius Hemina 21 P.: 'Tunc Marcius (probably Q. Marcius Philippus, consul 280) . . . *primum* proletarios armavit', cf. Oros. iv. 1. 3; Aug. *CD* iii. 17 (Pyrrhic war). Cassius' words show that this was not the last such occasion before his time (earlier than the third Punic war), Ennius' that the *proletarii* were used in 280 (?) only for garrison duty. Livy viii. 20. 4 (329) ('opificum quoque volgus et sellularii, minime militiae idoneum genus, exciti dicuntur') and x. 21. 4 (call-up of freedmen in 296) may not embody genuine tradition but reflect later experience. I read xxii. 11. 8 as attesting call-up of freedmen only for the fleet. However, *Per.* lxiv 'libertini tum primum militare coeperunt' (90 B.C.) is, as usual, wrong and cannot represent Livy, ignoring the *volones* of 216 and, perhaps, 207 (xxvii. 38; xxviii. 10. 11). The enrolment of criminals and debtors in 216 (xxiii. 14. 3 f.) may be accepted. The lowering of the property qualification, turning some *proletarii* into *assidui* (pp. 403 f.), is something different.

of rich booty made men eager to enlist against Carthage.[1] The younger Scipio was even able to raise 4,000 volunteers for the siege of Numantia, although there was small prospect of plunder, and little was obtained; Scipio relied on his prestige, popularity, and *clientela*.[2]

Thus there were volunteers and professional soldiers in the Roman army before Marius. None the less, other evidence from the second century suggests that Ligustinus is not a typical figure, that the levy conducted for distant wars, in which most citizens could discern no manifest Roman interest, and which often held out more prospect of danger than of plunder, was resented, and that the government normally had to rely on sheer compulsion.

The unwillingness of the Roman assembly to engage in war with Philip has already been mentioned. It is far from clear that any genuine volunteers were obtained for this war (p. 394); rather it was the enrichment of Flamininus' soldiers that encouraged subsequent volunteering for the eastern wars. The policy adopted from 200 to *c.* 180, later mysteriously modified, of shifting a much higher part of the burden of military service on to the Italian allies (Appendix 25), reflects both the distaste of the citizens for war and the anxiety of the ruling class to give the greatest relief to those whose voting power could advance or retard their own political careers. In 193, when some 40,000 Romans were under arms, soldiers in the urban legions complained that length of service and other just impediments had not gained them exemption from the call-up, and in 191, when the number of citizen soldiers had risen to nearly 70,000, the maritime colonists pleaded, in vain, that they were entitled to immunity.[3] By 184 men serving in Spain were anxious for discharge, but it was politically inexpedient to recruit others to replace them.[4] The war with Perseus became less popular as it dragged on without fulfilling hopes of enrichment. Soldiers who returned on furlough to Italy in 169 were not quick to go back to their units, and the censors had to take special measures to expedite their departure for Macedon. In holding a new levy that year, the consuls thought it best to shun odium by avoiding compulsion and consequently could not secure as many recruits as were needed; the praetors then acted with the old rigour and completed the levy, we are told, in eleven days.[5]

[1] App. *Pun.* 75; for allies ibid. 112.

[2] Volunteers, App. *Iber.* 84, cf. p. 407 n. 3. Scipio could distribute only 7 *denarii* apiece to his men, Pliny, *NH* xxxiii. 141. The luxury in the army he took over (Astin, *Scipio Aemilianus* 136 n. 3) must have been confined to officers and the general's *contubernales*. For lack of booty in Spain cf. App. *Iber.* 54, but contrast 48, 51, 57, 60, 79 and later, Caesar's enrichment, Plut. *Caes.* 12; Suet. *Caes.* 12; App. *BC* ii. 8. A victorious general would at least make slaves, however poor the country (App. *Iber.* 99), as later in Britain (Cic. *Fam.* vii. 7. 1; *Att.* iv. 16. 7, 18. 5).

[3] Livy xxxiv. 56. 9; xxxvi. 3. 5.

[4] xxxix. 38. 8 ff., cf. Toynbee ii. 76 f.; ix. 24. 1 illustrates the principle.

[5] xliii. 14 f., note 14. 2: 'ambitiosis consulibus dilectum difficilem esse; neminem invitum militem ab iis fieri': hence too few recruits.

Polybius tells that in 151, when the senate decided to reinforce the army in Nearer Spain, reports of the constant recurrence of battles, the high rate of casualties, and the valour of the enemy created such a terror among *iuniores* as old men could never recall. There were no candidates (among the upper class) for commissions, and citizens sought to evade the levy with all sorts of excuses. He says that the readiness of the young Scipio Aemilianus to volunteer as legate or tribune inspired new courage, and that men then began to give in their names for service.[1] However, we know that the tribunes obstructed a levy, and when the consuls persevered, probably by continuing to conscribe men outside the city (Appendix 21), threw them into prison.[2]

It is by no means clear that they were genuine champions of popular protest; we are told that they intervened only because the consuls had refused to exempt men out of favour to patrons, though this may be no more than a disparaging explanation of their conduct offered by optimate sources. Granting its truth, we may still think it significant that men sought immunity through the influence of patrons. It would have been only natural if sheer bribery was also employed, and in so far as it was, the burden of levies must have fallen most heavily on the poorest among those liable, since they could least afford to pay the price of exemption. The eventual disappearance of *equites* from the legions shows that the better classes in one way or another learned how to escape service in the army.[3] Of course, politically they counted for most, and the relatively poor *assidui* for least, because of the weighting of votes in the centuriate assembly. Thus patronage, money, and political chicanery will all have contributed to placing the burden of military service primarily on those for whom it was economically most distressing. (See Addenda.)

Though the tribunician veto proved ineffectual—the consul, L. Lucullus, succeeded in taking out another legion to Spain[4]—a ballot had to be arranged for the first time to decide which of the conscripts should go to Spain and which should have the advantage of brief and safe service in Italy.[5] To bring peace and order to Spain, it would have been good sense to send out larger armies recruited from seasoned soldiers, but the government did not venture on this course. As soon as a lull appeared in the hostilities, they reduced the garrison of each province from two legions to one (Appendix 23). In 145 the consul, Q. Fabius Aemilianus, in enlisting an army for Further Spain, was careful to spare men who had served in

[1] Pol. xxxv. 4, cf. Astin 42 f., and for an excellent general discussion of recruitment problems at this time, 167 ff. L. R. Taylor, *JRS*, 1962, 20 ff. justly stressed that conscription was a political issue of the first importance, cf. p. 401 n. 4.

[2] *Per.* Livy xlviii. App. *Iber.* 49, cf. *St R* i. 277. [3] Harmand 46 f.

[4] One legion was permanently stationed in each Spanish province; as a consul, Lucullus had a second, cf. Appendix 23.

[5] App. *Iber.* 49, as explained by Astin, p. 42.

Africa or the east and to take out only raw recruits.[1] In 140 a tribune sought to impede the departure of the consul, Q. Servilius Caepio, for Nearer Spain, and it has been plausibly conjectured that his aim, or pretence, was to hinder conscription.[2] A notice in an epitome of Livy, if rightly restored, tells us that also in 140 Appius Claudius was instrumental in obtaining a decree of the senate forbidding two levies in a single year.[3] What this means is obscure; but there can be little doubt that the incidence of conscription was a major factor in promoting the ruin of small peasants, and Appius was to be the chief backer of Tiberius Gracchus' attempt to revive that class. In 138 the consuls flogged and sold into slavery one or more deserters, *pour encourager les autres*; their subsequent levy was obstructed by the tribunes, who again threw the consuls into prison and again failed to prevent the levy being carried out.[4] In 134 the senate would not allow Scipio Aemilianus to conduct a *supplementum* for the Numantine campaign; he relied on volunteers, only because he had no option, and he did not obtain many (p. 396 n. 2). In laws of the late second century exemption from military service is already a valuable privilege.

The repugnance of the citizens to conscription may also have led the government, at some time after 168, to revert to the practice of imposing a higher share of the burden on the allies (Appendix 25). For allies too immunity from military service was an important privilege (p. 391 n. 1).

The stories told by the annalists of the distress caused by conscription in the early Republic and of the opposition it evoked reflect the experience of this time, and indeed probably of the post-Sullan epoch as well (Appendix 21). It is most natural to suppose that the association of the twin burdens of conscription and *tributum* in their accounts shows how oppressive these liabilities were in conjunction during the early second century. Appian too ascribes the impoverishment of the peasantry by 133 partly to the effects of taxation (p. 76). The virtual abolition of *tributum* after 168 must have benefited the middling and small property owner even more than the rich, for the tax was regressive. It was a measure as important as any legislation of the century, though our textbooks lay little emphasis on it, but still ineffective in averting the decay of the yeomanry. Now and later, they fell into debt as a result of prolonged absence in the legions, returning home to find 'inculta omnia diutino dominorum desiderio'.[5] This phrase of Livy, which purports to relate to the war with Veii, only makes sense in connection with the campaigns overseas which began in the third century (Appendix 21).

[1] App. *Iber.* 65.

[2] Livy, *Oxy. Epit.* liv, cf. Astin 168 n. 1.

[3] Ibid.: 'Appius Claudius evicit, ne duos [delectus] annus haberet.'

[4] *Per.* Livy lv, cf. also the *Oxy. Epit.* Cic. *Leg.* iii. 20 thought this the first case of tribunician incarceration of consuls, ignoring the instance in 151 and others recorded or invented by the annalists for earlier times.

[5] Livy v. 10. 9, cf. xxix. 1. 4.

Much turned on the length of time for which the conscript was kept with the standards. Polybius says that *equites* had to serve for 10 campaigns and *pedites* for a number which is unfortunately corrupt in the manuscripts. Editors usually supply the figure of 16. Polybius adds that in case of necessity *pedites* could be required to serve for 20 campaigns.[1] The accepted emendation of the text fits well with the fact that Augustus, a great admirer of ancient practices, at first prescribed a term of 16 years for service in his professional army and probably retained legionaries at the end of this term for another 4; later, these periods were raised to 20 and 5 respectively (p. 333). I have no quarrel with the emendation, but it must not be assumed that it was normal in the second century for legionaries to perform 16, still less 20, campaigns, or that no change was made in the requirements between Polybius' and Augustus' time.

It is argued in Appendix 19 that Polybius' description of the Roman army contains some features that were archaic and did not correspond to the realities of his own day. This criticism may apply to the statement now under consideration. Polybius speaks of campaigns, not of years of service. In early days campaigns might often have lasted no more than six months.[2] The hardship of serving only a little more often than every alternate year was plainly much lighter when the farmer had to absent himself from his land for such a relatively short period.[3] It was another matter when he was retained continuously with the legions for several years. Anachronistic accounts in the annalists of complaints made in early Rome against the *dilectus* show that what was most resented was prolonged and distant service, which might even debar the soldier from visiting his home on leave.[4] Furloughs could indeed be given to legionaries serving in Italy, and it is interesting that in 169 home-leave had had to be granted to some of those in Macedon, who could only with difficulty be compelled to return to the front (p. 396). In general, however, it may be doubted if soldiers overseas had much chance of leave in Italy. Moreover, they were not quickly relieved by replacements. Militarily, it would have been injudicious to replace seasoned soldiers by raw recruits; administratively and economically, the government must have wished to minimize the difficulty and cost of the transportation required; and politically, it was more expedient to gratify

[1] Pol. vi. 19. 2 f.; for *equites* Plut. *C. Gr.* 2. 5. For call-up of men who had served their due time in 193, Livy xxxvi. 56. 9.

[2] Varro *ap.* Non. 853 L.: 'stipendium semenstre'.

[3] The normal obligation to service extended over 20 years, from 18 to 46 (cf. *StR* i. 505–8). For recruitment of boys under 18, Livy xxii. 57. 9 (216); xxv. 5. 8 (212); Plut. *C. Gr.* 5. 1, and in the Principate Forni 26 f. Caesar perhaps regarded 21 as a better minimum age (Suet. *Caes.* 42. 1), and Rutilius' edict of 105 (Licin. 14 F.), restraining only men of 'under 35' (or, we should say 36), from leaving Italy in the Cimbric crisis suggests that older men were not normally called up. (It is not likely that he assumed that by that age they would have done 16 *stipendia*.)

[4] Appendix 21.

the reluctance of citizens who were present at Rome with votes to serve abroad, at least in Spain, than to give equitable relief to those who could not exercise effective pressure in person (p. 396 n. 4). None the less, some concessions had to be made, and the true maximum term of military service was surely less than Polybius might lead us to suppose.

Even in the Hannibalic war some effort was made to discharge men after shorter terms. The evidence has been analysed by Toynbee.[1] He finds that leaving out of account legions in Spain and Sardinia and those cut to pieces in disasters, 'three (legions) were in being for 12 years, one for 10 years, four for 9 years, one for 8 or 6 or 4 years, two for 7 years, six for 6 years, four for 4 years, two for 2 years and two [a mistake for three] for one year'. The average is just under 7 years. Soldiers earned discharge by contributing to notable successes (the captures of Capua and Syracuse, and the victory at the Metaurus), but were kept with the standards almost indefinitely, if involved in great defeats. It was also clearly regarded as impracticable to relieve men serving in Spain and Sardinia; it is significant that not only Scipio's veterans but the legionaries who had been in Sardinia received compensation in the form of land allotments at the end of the war (p. 393 n. 1); presumably their farms had been ruined during their absence for 13, 9, or merely 7 years. The disparity in the times for which some legions were kept in being in Italy itself eludes explanation, and illustrates the inequities always present in the Roman system of conscription. But even in this gravest of Rome's crises continuous service for 16 or 20 years was seldom required. No doubt some who were discharged were called up again later, and others had seen service before the war began; it may well be that many citizens in these years performed 16 or 20 campaigns in all. But few were kept so long in arms without a break.

After 200 the main military effort was in Cisalpina, and here soldiers need not have expected to be retained for more than a year, or perhaps a single summer. In the east the men who went out in 200 did not return until 195, but the duration of later wars was briefer. It was in Spain that permanent overseas garrisons were required, which it was inconvenient to relieve. However, we are told that *supplementa* were regularly sent out (Chapter XXIII, section iii), and that on some or perhaps all of these occasions veterans were recalled. The length of the individual soldier's service cannot, therefore, be inferred from the length of time for which particular legions remained in Spain. Thus provision was made in 184 for the discharge of soldiers 'qui emerita stipendia haberent' as well as of those who had distinguished themselves for valour (p. 396 n. 4). It is not to be assumed that the first class was confined to those who had done 16 campaigns. In 193 old soldiers had been disbanded in Spain, when a

[1] ii. 79, overlooking the legion which De Sanctis numbers 27.

supplementum was sent out; they can only have been there since 197.[1] In 180 soldiers who had been in Spain for 6 years were given discharge.[2] This also happened in 140. There is nothing in Appian's allusion to this to justify the common statement that it was only now that the maximum period of service in Spain was fixed at 6 years.[3] More probably, the term had been common throughout the century. We do know indeed that at uncertain dates laws were passed to reduce the number of *stipendia* required, laws which had to be repealed in 109.[4] One might conjecture that these laws reduced the legal maximum recorded by Polybius and that they did so by stages. No doubt, whenever the maximum was high, some individuals were unfairly treated. That was the complaint implied in a later age by Sallust or his imitator, when he urged 'ne, uti adhuc, militia iniusta aut inaequalis sit, cum alii triginta, pars nullum stipendium facient'.[5] Of course, thirty years exceeded any legal maximum. The legionaries taken out to Asia in 86 by L. Valerius Flaccus were disbanded in 66 (though they soon joined up again) 'stipendiis confectis'.[6] This proves that the legal maximum was, *at most*, after the law of 109 still 20 years.

In the late Republic too the period of service varied, and if the maximum was 20 years (which is unproven), it was not necessarily the norm. The Table of Heraclea rather suggests that that was 6 years in the infantry, 3 on horse. Men enlisted in 49/8 could be said to have served their full time by 41, and others recruited in 43 claimed and secured discharge in 36 on the same ground.[7]

Thus the time a citizen might expect to spend in the army can easily be overestimated. But it remains true that six years' continuous absence from his farm must often have been ruinous to the peasant, even though he were never to be re-enlisted. Some may have been amply compensated from booty and donatives, but in the highlands of Spain (p. 396 n. 2) or the Balkans[8] such rewards were hardly won, and everywhere they depended on victory, and thus in some degree on the capacity of the commanders. But the nobility 'quibus omnia populi Romani beneficia dormientibus conferuntur' were all too commonly incapable, and campaigns that might be launched in vain hopes of plunder were apt to end in disaster. Moreover some commanders took the lion's share for themselves or scrupulously reserved it for the treasury, leaving the disappointed troops to complain of their greed or parsimony.[9] The conscript in Spain had a strong

[1] Livy xxxiv. 56, cf. Appendix 23. [2] xl. 36.

[3] *Iber.* 78. But for 18 years in Spain see Lucilius 490 f. (M.).

[4] Ascon. 68 C. C. Gracchus' military law (Plut. *C. Gr.* 5. 1; Diod. xxxiv/v. 25. 5) may have revived the proposal ascribed to his brother (Plut. *Ti. Gr.* 16) of limiting military service.

[5] *ad Caes.* i. 8. 6. [6] Cic. *de imp. Cn. Pomp.* 54. [7] *AJ* 80 f.

[8] Livy xlv. 43; *B. Alex.* 42. 3: 'praeda quae etsi erat tenuis, tamen in tanta provinciae desperatione erat grata'. Cf. Cic. *Att.* v. 20. 5.

[9] Cato boasted in 164 'numquam ego praedam neque quod de hostibus captum erat neque manubias inter pauculos amicos meos divisi, ut illis eriperem qui cepissent'; his speech 'de praeda militibus dividenda' berated the 'fraud and avarice' of 'those who rob

chance of never returning home, and the survivors were likely to be impoverished.[1]

The burden of military service in the second century was all the heavier because it still fell on a restricted section of the citizen population. We must, however, be careful not to suppose that those who were not normally liable for recruitment to the legions were legally exempt.

Mommsen rightly distinguished the *Wehrpflicht*, the duty of serving the state in war, from the *Waffendienst*, the function of serving in arms. That function belonged at first only to free-born citizens who had the means to furnish their equipment at their own cost; even when pay was introduced, it was originally intended to do no more than to defray the soldier's living expenses on campaign (*infra*). But the poor and the freedmen were not totally exempt from war service.[2] They had to serve on shipboard as marines or rowers, and in the wars with Carthage and with the great monarchies of the east this was an important and hazardous service, requiring at times many thousands of men.[3] In the Servian army the *fabri*, *tubicines*, and *cornicines* were brigaded in centuries and obliged, irrespective of their property, to place their crafts at the disposal of the armies. There was even a *centuria adcensorum velatorum*, whose members had to follow the legions, though unarmed, and were expected in case of need to take the places and arms of the fallen.[4] Thus in early days the poor were not immune in principle from army service, but were only excused those duties which their lack of equipment made them unable to perform. In emergencies, as in the war with Pyrrhus or in 216, they could actually be enrolled in the legions (p. 395 n. 6). Cato too refers to the use of *proletarii* as soldiers, apparently in a speech of 171, when it was desired to recall to the standards ex-centurions (p. 395 n. 5). Moreover, the property qualification itself could be and was reduced.[5]

the state and spend their lives in gold and purple' (*ORF*[3] 71, 91). Cf. Sallust *BJ* 41. 7: 'populus militia atque inopia urgebatur, praedas bellicas imperatores cum paucis diripiebant', e.g. App. *Iber.* 60; Dio fr. 104. 2 (L. Flaccus, consul 86); Plut. *Cr.* 6. 5. L. Paullus, Scipio Aemilianus, and L. Mummius were scrupulous not to enrich themselves (Pol. xviii. 35; *Per.* Livy lii), but Paullus made himself unpopular by alleged illiberality to the troops (Livy xlv. 35–9, 43. 8), whereas Mummius divided booty in Spain (App. *Iber.* 57) and doubtless in Greece, and Scipio gave ample opportunity for plunder in Carthage (App. *Pun.* 133). Lucullus was liberal but censured for taking too much himself. Cf. p. 412 n. 1.

[1] Appendix 21.

[2] *StR* iii. 246, 448 ff.

[3] Pol. vi. 19. 3; Cato, *ORF*[3]. 77, 190. Livy xxii. 11. 8 (217); xxxvi. 2. 15 (191); xl. 18. 7 (181, when *ingenui* were used only as officers); xlii. 27. 3 (172); xliii. 12. 9 (169). In 191 citizens of the maritime colonies vainly claimed exemption from naval service, xxxvi. 3. 4 ff. For repugnance of free-born Italians to this service xxxii. 23. 9 cited by Thiel I. 11 ff., where he conjectures that ingenuous *proletarii* were employed only as marines, a view apparently withdrawn in II. 74 ff. where he also infers from the anecdote in Suet. *Tib.* 2. 3 and Gell. x. 6 that the rowers at Drepana came from the urban *plebs*. For *socii* and slaves see Thiel, II.cc, *cf.* Appendix 24.

[4] Livy i. 43; Dion. Hal. iv. 16–18; other relevant texts (Festus 13. 23 *ff.*; 17. 1, 506. 22; Varro *LL* vii. 56 and 58, and *ap.* Non. 530 M.) are quoted in *StR* iii. 283, nn. 3–4.

[5] Cf. Gabba, *Athen.*, 1949, 171 ff., whose date for the first reduction agrees roughly with mine, but is based on an unconvincing argument (cf. Walbank on Pol. vi. 21. 7).

Fabius Pictor, whom Livy followed, gave the minimum property for *assidui* as 11,000 *asses* or 1,100 *denarii*.[1] This must represent the qualification required in the earliest time of which he knew, and perhaps still in his own. Polybius, however, states it as 400 *drachmae*, presumably 400 *denarii*.[2] This proves that in the course of time it was reduced. Moreover, in his *de Republica* Cicero makes Scipio Aemilianus set the qualification of *proletarii* in the Servian system as under 1,500 *asses*.[3] Now it might at first sight be supposed that he was purporting to describe the Servian system in an earlier phase than that described by Fabius and that if he was correct, the property qualification was first raised, and lowered later. But this seems unlikely. In Cicero's account the number of centuries in the first class is 70, in that of Fabius 80. Cicero is evidently describing the remodelled system under which there were two centuries for each of the 35 tribes in the first class; the earliest possible date for the reform is 241, when the number of tribes was raised to 35. Now Fabius can hardly have made the mistake of imputing to Servius characteristics of the system which were due to innovations almost within his own recollection. It looks then as if he is describing the earlier system and Cicero the later. Strictly we do not know what was the property qualification for *assidui* in the period when Fabius himself wrote, for Fabius purports to give it only for the reign of Servius. But for the testimony of Polybius we could suppose that the qualification had been reduced from 11,000 *asses* to 1,500 even before Fabius' own time. Polybius must be recording the figure for a period intervening between those of which Fabius and Cicero wrote. Hence, the qualification was twice reduced.[4]

So far as the first of these reductions is concerned, there is confirmatory evidence, by which the change can be precisely dated to 214. It has already been shown that the number of *assidui* must have been raised at that time, although all *proletarii* were still not admitted to the legions in the Hannibalic war (pp. 64 f.). It is conceivable that the lowering of the property qualification in 214 was at first envisaged as no more than a temporary measure, to last for the duration of the crisis. But not less than 50,000 legionaries, and often more, were in the field from 214 to 203, and after 200 Rome was still involved in hostilities in Cisalpina, Spain, and the east on a greater scale than before 218; in 13 of the next 33 years 55,000 or more citizens were under arms. Moreover, the old class of *assidui* must have

while his date for the second depends on a view of the census already rejected in Chapter II. Despite disagreements, I owe much to this article in what follows.

[1] Livy i. 43. 8; Dion. Hal. iv. 17. 2, 18. 2 gives 12,500 (over-schematic).

[2] vi. 19. 2. For the equation of *drachma* and *denarius* see Walbank on ii. 15, vi. 23. 15, 39. 12–15.

[3] il. 40. Gellius' distinction between *proletarii* with under 1,500 *asses* and *capite censi* with under 375 is unacceptable, cf. Gabba, op. cit. Cicero's 1,500 *asses* are presumably equivalent to 150 *denarii*.

[4] Probably earlier than the retariffing of the *denarius* at 16 asses, cf. last note.

sustained the heaviest rate of loss, as they formed the 15 legions raised before Cannae, all of which were either cut to pieces in a series of defeats or retained in service for exceptionally long periods, involving an abnormally high wastage, and the peasantry from whom they were drawn must have suffered gravely, not so much from devastations of their lands (Chapter XVI) as from deterioration in husbandry, which inevitably ensued from the protracted absence of so many able-bodied men. Hence, even if the change in the legionary's minimum census was at first regarded as provisional, there can never have been a time when it would have seemed sensible to revert to the former minimum.

The *terminus ante quem* for the second reduction is presumably 129, the fictitious date of the dialogue in the *de Republica*. The date cannot be more exactly decided. It is usually held that it must be subsequent to the time when Polybius wrote his description of the Roman army, probably in the middle of the century. One cannot, however, be quite sure that any part of this description is up-to-date (Appendix 19), and the reduction might conceivably be put as early as 171, when Rome had a great new war to wage, and when we know the use of *proletarii* was at least contemplated (p. 395 n. 5). After 168 the average number of citizens under arms may have been lower, as shown below (cf. pp. 424, 432 f.):

200–191	8·6	legions	per annum
190–181	9·7	,,	,,
180–168	8·1	,,	,,
167–158	5·4	,,	,,
157–148	6·1	,,	,,
147–138	7·8	,,	,,
137–128	6·5	,,	,,
127–118	6·0	,,	,,
117–108	6·3	,,	,,

It may be, however, that we should allow for 2 more legions a year, serving in Cisalpina, in the last three of these decades.[1] In that case, the demands on manpower were almost as high as ever in the Gracchan and post-Gracchan period. Moreover, the difficulties that magistrates encountered in some years in carrying out levies, the concern evinced by Tiberius Gracchus and his contemporaries at a putative decline in manpower, and probably a decision in this period to raise once more the proportion of allies serving with the legions (Appendix 25), all suggest that there had been a further fall in the number of *assidui*. The reduction in the property qualification made in 214 would have proved no more than a temporary remedy for the shortage of manpower, if economic factors and the incidence of conscription itself were adverse to small farmers: it was precisely those who were living

[1] Subject to that qualification, the margin of error cannot be great.

on the narrowest margins who would be the first to go under. Very probably too of those liable for conscription the poorest were most apt to be taken (*supra*). If we suppose, e.g., that the total number of *assidui*, including those who had been promoted to that class *c.* 215, had fallen to 75,000, we can easily understand that it imposed a grave hardship on them to provide some 30,000 men or more for 6 or 7 legions each year. The fact that Gaius Gracchus thought it necessary to enact that boys under 17 should not be called up, plainly to restrain an abuse that must have been common enough to require legislative prohibition, suggests that there was the same kind of shortage of qualified men as had prompted such enlistments in the gravest crises of the Hannibalic war (p. 399 n. 3). At the same time it must now have seemed that there was little purpose in insisting that legionaries should be men of some substance. For one reason, as Polybius shows, the state already commonly provided soldiers with their arms, deducting the cost from pay;[1] the primary reason for this may have been the desirability of securing uniformity in equipment, but the practice rendered obsolete the old principle that the legionary must be a man of sufficient means to arm himself. In fact the Polybian property qualification was too low to guarantee that he could (*infra*). Moreover, after the war with Perseus the fleet was neglected, and there was no longer any apparent reason to reserve *proletarii* for naval service. It would have been logical to open the legions to all *proletarii*; but governments generally prefer half-measures, and it would seem that the senate was content simply to reduce the property qualification once more.

Neither of these reductions in the census minimum for legionary service is recorded in our sources. This was perhaps because magistrates could have called up men normally excused service in virtue of their discretionary *imperium*; no legislation was needed. With the senate's approval the censors too might have registered in the classes all citizens whom it had become the practice to enrol in the legions. The poorest of the *assidui* would of course have belonged to the fifth class, whose votes can seldom have counted in the timocratic centuriate assembly, and the reduction of the qualification for that class thus had little political importance.

Whatever be thought of these conjectures, it is beyond doubt that the minimum census recorded by Polybius, and still more that given by Cicero, indicate that very poor men could now be called up. In Columella's day a *iugerum* of arable land was worth on average 250 *denarii*.[2] We have no comparable prices for the second century B.C., nor even the first. Let us

[1] Pol. vi. 39. 15; in 21. 7 he describes the *youngest* and poorest as *velites* (with less defensive armour), and 23. 15 shows that citizens of the first class alone had coats of mail. By implication, the poorer soldiers who were not the 'youngest' were armed like the rest, apart from coats of mail. For public supply of arms see also 21. 6; Livy xxii. 57. 10; xxviii. 45; xxxiv. 56. 13 and (anachronistically) vi. 2. 7; ix. 29. 4.

[2] iii. 3. 8.

then make the extravagant supposition that the average price of land was then ten times lower and that a *iugerum* could be bought for 25, and take this to be equivalent to 250 *asses* for the time of which Polybius or Cicero wrote. The poorest legionaries, if they owned nothing else, could then have had 16 or 6 *iugera* on Polybius' or Cicero's figures respectively. In my view the larger farm was insufficient for the subsistence of a family, much more so the smaller.[1] But in any event since the soldiers concerned must have had some other belongings, and since no reason can be seen why land values should have been so much lower in the second century B.C. than in the first century A.D., the acreage they possessed must normally have been much less than suggested. By Marius' time the distinction between the poorer *assidui* and the *proletarii* had already become virtually meaningless.

Marius enlisted *proletarii* as volunteers. There was nothing new in accepting volunteers, and *proletarii* had been enrolled before in crises. Plutarch says that he violated law and custom.[2] There is no other evidence for any *statutory* exclusion of *proletarii* from the legions, and none that Marius had to pass a law to authorize his procedure. He simply exerted his *imperium* to enlist men whom it had not been the normal practice to enlist, just like his unknown predecessors who had lowered the census qualification required. No doubt Sallust was right in saying that he did not recruit soldiers 'ex more maiorum'[3] and Valerius Maximus in claiming that he set aside 'diutina usurpatione consuetudinem'.[4] But his departure from the existing conventions was only of marginal significance. His proletarian recruits were not markedly poorer than many conscripts of the preceding generation.

According to Marius' critics he acted from ambition, 'quod ab eo genere celebratus auctusque erat, et homini potentiam quaerenti egentissumus quisque opportunissumus, cui neque sua cara, quippe quae nulla sunt, et omnia cum pretio honesta videntur' (see n. 3). It is unlikely that these critics were his contemporaries. However hostile were the optimates and however popular Marius was with the rabble, every one at the time knew that he had been elected consul by the votes of the wealthy, who controlled the centuriate assembly, and that he enjoyed the support of the *equites*, the class from which he must have sprung; it was similarly in a later day that the implausible allegation could be made that he originated 'e plebe infima'.[5] Marius himself does not seem to have perceived that he had secured the means to dominate the state as the patron of his troops; it was left to Sulla to bring about the first military *coup d'état* and (if Sallust be credited) to corrupt military discipline.[6] At the time Marius' enemies would hardly have been more clear-sighted than he was himself: only in retrospect

[1] p. 194.
[2] *Mor.* 9.
[3] *BJ* 86. 2, cf. Gell. xvi. 10. 10 ff.
[4] ii. 3. 1.
[5] Van Ooteghem, *Caius Marius*, 1964, 56 ff.
[6] *AL* 78.

could it be discerned that penniless soldiers could become the pliant instruments of an unscrupulous commander. Thus the censure of Marius' conduct is anachronistic; it implies, however, that Marius set a precedent that later magistrates had followed and that a proletarian army overturned the oligarchic Republic.

Even if Marius' motive had really been that which his later critics alleged, he could not have avowed it and must have justified his new procedure in another way. Sallust says that some ascribed it to 'inopia bonorum', i.e. the lack of *assidui* (p. 406 n. 3). Here we have an explanation which could have been offered and must have been plausible. Only two years before Marius' first consulship his predecessor in 109, M. Iunius Silanus, had found it necessary to repeal several laws 'quibus militiae stipendia minuebantur' (p. 401 n. 4). We do not know what these laws were, nor when they were passed; none the less they testify once again to the hatred of conscription in the second century, of which there is much other evidence. Notwithstanding this hatred, Silanus had been able to repeal them. To propose and carry a measure inevitably unpopular, Silanus must have had a powerful case. It could only have been that there was no other way of raising the troops that Rome needed. Now in 109 there were probably only 8 legions in the field, 2 more than in 110.[1] There must have been difficulty in finding an additional 10,000 men. Marius was merely authorized to conduct a *supplementum*, probably to enrol no more than 5,000 recruits (p. 430). The optimates hoped that in the process his popularity would be dissipated. Such was the 'inopia bonorum'.[2] We may well believe that Marius' main motive was to preserve his following among the people by sparing those who did not wish to serve and attracting the penniless with prospects of rich booty;[3] yet with the steady decline of the peasantry the change he made was surely inevitable sooner or later and was no more than the logical outcome of the successive reductions of the census qualification for *assidui* which on the hypothesis advanced above the senate itself must have approved. The shortage of *assidui* revealed in 109 and 107 indeed goes far to confirm that hypothesis, just as the procedure of Marius in acting at his own discretion corresponds to the view I have expressed on the way in which those reductions had been effected.

Most of our sources date the reform to 107; one writer postpones it to the Cimbric crisis of 104.[4] It may be that his authority desired to exculpate Marius from the reproaches later to be heaped on him by suggesting that he had no choice but to call on proletarians in an emergency that threatened

[1] See Table XIII, pp. 432 f.

[2] *BJ* 84. 3. So too in 134, it is said (Plut. *Apophth. Scip.* 15), the senate impeded recruitment for Scipio, *ὡς ἄφορον τῆς Ἰταλίας ἀνομένης*, a plea which was a pretext and exaggeration, yet not without significance, if authentic.

[3] *BJ* 84. 4; the hopes were fulfilled, 87. 1, 91. 6, 92. 2.

[4] Gellius, p. 406 n. 3.

the state. Naturally we must believe that in 104 Marius followed his own precedent. So did later generals of all political complexions. The great armies of the 80s, the 70s, and the prolonged civil wars that began in 49 could not have been raised if proletarians had been excluded from the ranks.

It is a common impression that after Marius most soldiers were not only proletarians but also volunteers.[1] We must certainly beware of assuming that even after Marius proletarians were only *eligible* for military service if they volunteered. They had always been *liable*, and Marius showed that there was no practical reason for excusing them. In fact, there is abundant evidence for the continuance of conscription.

(i) It is beyond doubt that compulsion was applied when very large numbers of soldiers were needed. In 90 the urban poor and even freedmen were called up;[2] we can safely assume that conscription was in general use. Harmand has recently suggested that it is uncertain whether the sources imply that it was adopted by the Sullans and Marians in the civil war. He does not believe that the Latin terms *dilectus* and *conscribere* and their Greek equivalents unambiguously prove this.[3] I have tried to show in Appendix 20 that they have a nuance strongly suggestive of compulsion. Be that as it may, there are other indications that both sides resorted to coercion. We hear first of the Marians raising troops in 84. Appian says that Cinna and Carbo sought to ingratiate themselves with the new citizens for the purpose.[4] That need not mean that they merely appealed to individuals among the new citizens to enlist. A levy had to be operated through the municipal magistrates,[5] and it was probably to their goodwill that the consuls appealed; the municipal magistrates would then conscribe local citizens. Cinna's recruits were plainly unwilling soldiers; rather than fight fellow citizens, they murdered their general.[6] Similarly in 83 L. Scipio's troops were intent on peace, and both then and later in the civil war there were frequent desertions from the Marian armies.[7] As for Sulla, Appian expressly says that he obtained recruits by friendship, fear, bribes, and promises; this indicates that some joined him because they (or their patrons or the dominant magnates in their towns) were or became his political partisans, or because they were enticed to his side by gratuities or promises, probably of land allotments, but that others did so under duress.[8] The account we have of Pompey's levy in Picenum need only show that he had the support of the local curial class, not that the peasantry flocked gladly to his standards.[9]

[1] Cf. recently Harmand 245 f.; Dio xxxix. 39. 1 does not justify his inference that conscription had become abnormal; the levy of 55 B.C. was a grievance, we may think, because of its size and purpose.

[2] p. 95 nn. 1–2. [3] p. 245 n. 4. [4] App. *BC* i. 76.

[5] *Al.* 86, cf. Dio xli. 9. 7 and App. *BC* ii. 34; Caes. *BC* i. 30. 1; Vitruv. ii. 9. 15.

[6] App. i. 78. [7] Ibid. 85. [8] Ibid. 86; Diod. xxxviii/ix. 13.

[9] Plut. *Pomp.* 8 refers to Pompey's good relations with the *poleis* of Picenum. *Per.* Livy lxxxv (a poor source) makes out that his men were volunteers.

In the 70s once again there was a severe strain on Roman manpower, and I believe that at least for the suppression of the *émeutes* of Lepidus and Spartacus conscription must have been adopted. But there is no evidence beyond a hint in a speech Sallust imputes to Macer (p. 392 n. 6). Pompey boasted that he raised the army with which he marched to fight Sertorius in Spain in only 40 days, but no inference can be drawn from this; it might mean that volunteers crowded to join him, or that he displayed his usual organizing efficiency in conscribing recruits. It was a mark of the rigour of conscription when the praetors of 169 raised the new troops required in 11 days.[1]

The use of conscription by both Pompey and Caesar in 49 and by the senate in 43 is clearly attested.[2] Cicero would have us think that in 43 even conscripts were enthusiastic to fight for the Republic against Antony,[3] but the conduct of the soldiers belies this, and Dio more credibly says that the majority 'burdened by the campaigns (i.e. levies) and taxes' detested the war.[4] Appian explains the disloyalty of the legions in 41 by the fact that 'they were not mustered by the *dilectus* (*katalogos*) in accordance with ancestral customs'.[5] It is, however, certain that both the veterans serving in 41, who had been enlisted mainly in 49, and the *tirones* recruited in 43 had been raised by levies (*dilectus*), in which compulsion had been extensively applied.[6] In interpreting his remark, we must then stress the reference to 'ancestral customs'. He means that the legions were no longer composed wholly of *assidui*, and is implying, like Sallust, whose work on the Jugurthine war was written under the triumvirs and is coloured by the experience of that time, that the change first made by Marius had converted the troops into mercenaries ready to follow any general for reward without thought of the public interest. More troops had to be raised for the *bellum Perusinum*. Conscription was again applied, as it surely was for the wars with Sextus and Antony. The *dilectus* was one of the grievances voiced against the triumvirs in 40,[7] and as late as 23 B.C. Tiberius was commissioned to investigate the *ergastula*, partly because men were imprisoned in them 'quos sacramenti metus ad eius modi latebras compulisset'.[8]

(ii) It is not surprising that compulsion was needed to enlist 100,000 men or more without delay. It is perhaps even more significant that it was used in the routine recruitment of comparatively small numbers of men, for

[1] Sall. *Hist.* ii. 98, cf. p. 396 n. 5. Note also how rapidly men were levied by conscription in 49.

[2] Appendix 20 cites the texts.

[3] He only claims that conscripts were zealous to serve (*Fam.* xi. 8. 2); *Phil.* xi. 24 is not inconsistent with this.

[4] xlvi. 32.

[5] *BC* v. 17. [(But see J. W. Rich, *Historia*, 1938, 328 n. 207)]

[6] See Chapter XXVI for discussion of the armies in these years.

[7] App. *BC* v. 27, 47, 74. For 36 B.C., see Dio xlviii. 49. 1.

[8] Suet. *Tib.* 8.

instance in 64 by Murena in a *supplementum* for the Gallic legions,[1] in 58 by Caesar when raising only 2 new legions from the Cisalpine province,[2] in 58 by Piso whose army in Macedon perhaps did not exceed 3 legions, and in 55 by Pompey and Crassus, whose requirements were no doubt rather greater.[3] In 52 all *iuniores* were placed under a liability to enrol,[4] though naturally Pompey's *conquisitores* had no need to enlist more than a small proportion. The odium that Pompey and Crassus incurred by the levy of 55, which according to Cicero was incidental to every *dilectus*, however well justified,[5] may explain the refusal of the consul, Ser. Sulpicius, to permit a *supplementum* for the eastern war in 51, though it was demanded by the interest of the state;[6] we may compare the refusal of the senate in 134 to let Scipio Aemilianus hold a levy for the Numantian campaign, and Marius' reluctance to resort to a levy for his *supplementum* in 107.

Granted that conscription was still common in the late Republic, can we suppose that it was applied only to *assidui*? Some of the soldiers in the late Republic were still men of property,[7] and perhaps there were proportionately many more *assidui* among the Italians enfranchised in and after the Social war than among the old citizens. But if Appian was right in holding that most of the veterans in 41–40 were proletarians, or if the generally accepted view is correct that the proletarian element predominated in every army within this period, it would seem to follow from the premiss that only *assidui* were conscribed that there was a vast reservoir of poor citizens ready to enlist, and that in civil wars 100,000 or more volunteers could be found within this class. In that case why was it necessary to resort to conscription at all, especially on such occasions as that on which Murena was levying a *supplementum* for a mere 3 legions? In fact it is abundantly attested that the large armies of the civil wars could only be raised by coercion, and there was not the slightest reason why the officers who applied coercion should have spared the poor, the very class least able to secure exemption by bribes or favour.

This argument cannot be countered by maintaining that the prospects of the poor in civil life were so unfavourable that they *must* for the most part have been eager to obtain a livelihood attended by the rigours and perils

[1] Cic. *Mur.* 42: 'Habuit proficiscens (sc. in Galliam) dilectum in Umbria; dedit ei facultatem res publica liberalitatis, qua usus multos sibi tribus quae municipiis Umbriae conficiuntur adiunxit.' Some favouritism is indicated, exactly what we do not know, but beneficial to the wealthy whose votes were valuable in consular elections; perhaps their clients or tenants were spared.

[2] *BG* i. 7. 2, 10. 3; for later levies cf. ii. 2. 1; vi. 1; vii. 1.

[3] Cic. *Prov. Cons.* 5; Dio xxxix. 39.

[4] Caes. *BG* vii. 1; Cic. *Mil.* 67 f.; Dio xl. 50. 1. Cf. suspension of *vacationes* in 60, *Att.* i. 19. 2.

[5] Dio xxxix. 39. 1; *Att.* ix. 19. 1, cf. vii. 13. 2.

[6] *Fam.* iii. 3. 1.

[7] *Att.* viii. 12. B 2; Dio xlvii. 9. 3, cf. the implication of Plut. *Cr.* 10. 2.

of army service. We know that some countryfolk drifted into Rome and that soldiers were seldom recruited there.[1] Thus a considerable section of the proletariat was *not* attracted by the army. In any event the prevalence of conscription is too well attested to permit belief that *proletarii* readily volunteered. Nor is there any ground for believing that the *normal* remuneration of the soldier was enticingly high.

Polybius gives his *pay* as 2 obols a day, 120 rather than 112½ *denarii* a year. It seems to have remained unchanged until Caesar brought it up to 225 *denarii*. It was sometimes in arrears. It was not so much a wage as reimbursement of expenses; the cost of food, clothes, and arms was deductible.[2] No doubt soldiers in enemy territory could live off the country, and the profits of war might enable generals to distribute free grain or clothes, and even double rations without charge, out of which the legionary could doubtless maintain a slave; we do not know how commonly these benefits were conceded.[3] Nor is it easy to evaluate the *stipendium* in real terms; few prices are recorded, and we cannot strike averages, especially as they varied from one land to another and fluctuated from season to season.[4] The *stipendium* is itself the best evidence for the level of wages at which a single man could subsist.[5] It might be supplemented by a share in *booty* or by *donatives*. In the wars of the early second century the soldiers obtained an increasing dividend from victories (Table IX on p. 394, and

[1] *AL* 74, cf. Cic. *Arch.* 24; Sall. *Or. Macri* 27; Hor. *Ep.* ii. 2. 39; Livy v. 20. 6; viii. 20. 4 (but *cf.* vii 25. 8). I doubt if Dio xxxvii. 35. 4 means that the military oath was administered to the urban plebs or if xxxix. 39 refers to unpopularity of Pompey and Crassus among the urban plebs following a levy in the city, *contra* Harmand 254.

[2] Pol. vi. 39. 12; Suet. *Caes.* 26. 3 with Tac. *Ann.* i. 17. 6. [Rival views on the annual payment in *denarii* implied by Polybius make little difference; see most recently M. H. Crawford. *Coinage and Money under the Roman Rep.* 1985, 145 ff.] C. Gracchus' law, giving the soldiers free issues of clothes (Plut. *C. Gr.* 5), probably did not long outlast him. Arrears: Sall. *Ep. Pomp.* 2 f.; Cic. *ad Qu. fr.* i. 1. 5; *Pis.* 88, 92 f. (plausible, if not true); *Att.* v. 14. 1; *Fam.* xv. 4. 2. It was another matter that Caesar had to pay himself (from *mancipiae*?) legions he had raised without authority (Suet. *Caes.* 21. 3; Cic. *Prov. Cons.* 28, etc.).

[3] Double pay as reward for valour to individuals or units, Varro *LL* v. 90; Livy vii. 37. 2 ('in perpetuum'); xxiii. 20. 2; xxiv. 47. 11; xxix. 3. 5; xxx. 16. 12; xxxviii. 59. 6; xxxix. 7. 3 (showing the general to be 'indulgentem, ambitiosum'); xl. 43. 7; Caes. *BC* iii. 53. 5 (where read 'veste, cibariis'). Some of these texts refer also to 'frumentum duplex' (for which cf. *ILS* 8888) and free clothing. For free food and other supplies cf. Sall. *BJ* 44. 5; Dio xxxvii. 3. 6; Suet. *Caes.* 26. 3, 68. 1. Defeated enemies often have to furnish pay and supplies for troops, Livy ii. 54. 1; viii. 2. 4; ix. 43. 6 and 21; x. 5. 12, 37. 5; xxiii. 43. 6; xxix. 3. 5; xxx. 16. 12; above all Plut. *Sulla* 25; as usual, I take the early texts in Livy to illustrate historic practices.

[4] We do not even know the average price of wheat at Rome; if we did, it would be irrelevant to those paid in his home town or on army service by, e.g., a man from Spoletium who served in Spain, Macedon, or Cilicia; and average prices, if they could be ascertained, would hide enormous variations.

[5] A slave labourer would get 3 HS a day at Rome (Cic. *Rosc. Com.* 28). It does not follow that he, or still less a free man, would earn 3 × 365 a year. Rents were higher at Rome than in Italian towns (Suet. *Caes.* 38. 2; Dio xlviii. 9. 5), and so presumably were all costs.

p. 393 n. 5), the legionaries of Sulla, Lucullus, Pompey, and Caesar were far more richly rewarded,[1] and in the civil wars that followed Caesar's death the troops could hold to ransom generals who depended wholly on their purchased loyalty.[2] But the prospects of enrichment in these ways were wholly uncertain. Some generals were too greedy for themselves or too careful of the treasury's interests to distribute much to their troops (p. 401 n. 9). Some had nothing to distribute. They might be bunglers who did not enrich their legions but destroyed them. Men in a provincial garrison might have no opportunity for plunder, except by illegally robbing the subjects they were intended to protect.[3] No recruit could foresee what his opportunities might be. Men Murena enlisted in Umbria in 64 to guard the frontiers of Narbonensis were destined under Caesar to conquer Gaul. If they had known that they were to be commanded by a demagogic roué, almost destitute of military experience, would they have welcomed their prospect? One can be sure, at least, that the hope of booty was not in general an adequate incentive to enlistment. Caesar himself could not dispense with conscription, in raising new legions for his Gallic wars. Everyone knew that eastern victories had brought in huge profits, and that in 55 Crassus, a commander of repute, meditated conquests in the Parthian empire. No one had the slightest notion that the Parthians were formidable opponents in their own terrain. Yet Crassus had to resort to conscription. So too in 43 and 40 the immense rewards the veterans had extracted from their generals in civil wars did not make the levy of new troops any less difficult.

There remain *praemia* on discharge. In the early second century soldiers had received colonial or viritane allotments. Saturninus proposed such allotments for Marius' veterans; [whether much land was distributed is far from clear.]

[1] *AL* 77–9; Harmand 272–98, 409–16, 442. In donatives at or before triumphs alone Lucullus gave each man 950 *denarii* (Plut. *Luc.* 37), Pompey 1,500 (Plut. *Pomp.* 45, etc.), Caesar 5,000 or 6,000 (*AL* 79 n. 102), Octavian in 29 only 250 (*RG* 15), but to far more recipients. See also esp. Plut. *Sulla* 12, 25 (Sulla); Diod. xxxviii/ix. 8; Dio fr. 104; Sall. *Hist.* iii. 33 (Fimbria); Plut. *Luc.* 17, 29, 31; App. *Mithr.* 82, 85 (Lucullus). Harmand minimizes Caesar's enrichment of his troops, for which see Suet. *Caes.* 26. 5, 33, 54. 2; Caes. *BG* vii. 28. 4 (which implies that soldiers were normally out for booty, not slaughter); 89. 5; viii. 4. 1; *BC* i. 39. 3; iii. 6. 1, etc.; to double pay would not have been compensation for a deficiency in booty.

[2] In 44 Antony had to follow Octavian's example in paying 500 *denarii* down and promising 5,000 on victory to his troops (App. *BC* iii. 45, 48; Cic. *Phil.* v. 53); similar grants and promises were made to men of other armies in the west (e.g. Cic. *Fam.* x. 32. 4; Dio xlvi. 40) and probably by Brutus and Cassius (Botermann 94, 105 f.); in 43 Octavian actually paid 2,500 (App. iii. 94; Dio xlvi. 4), and Botermann 164 argues that all the triumvirs' soldiers got the full 5,000 in 43. In 42 Brutus and Cassius promised a further 1,500 and the triumvirs a further 5,000 (*AL* 79). Botermann has a valuable analysis of the mercenary attitude of all the troops, except Caesar's veterans.

[3] *AL* 78; Harmand 409 ff.; Sall. *BJ* 44. 1 ('exercitus . . . praedator a sociis'); *Hist.* iii. 33 ('praedatores Valeriani'); hence the later rule prohibiting soldiers from acquiring lands in the provinces where they served, *Dig.* xviii. 1. 62; xlix. 16. 9; *Gnomon of Idios Logos* 111.

Sulla rewarded his own soldiers with lands, but devised no system of gratuities for veterans on discharge. The Lex Plautia of 70 B.C., which seems to have provided for the settlement of men who had fought in the Sertorian war, was abortive. In 59 only Caesar's lack of constitutional scruples and their own strong arms obtained the land for Pompey's veterans that the optimates had long refused them. Even Caesar and the triumvirs, in providing for their own discharged soldiers, made no promises for the future. It was left to Augustus in 13 B.C. to guarantee gratuities to men who had served their time in the legions—and not to keep his promise.[1]

The legionary was at least assured of subsistence; in civilian life the poor might lack food, clothing, and shelter. If he was lucky, he might grow rich. (Centurions must commonly have prospered, for their commissions were worth buying.[2]) There were advantages in enlistment to be matched against the centurion's rod and the enemy's sword. For most men they were not tempting enough. 'The prevalent opinion that in the late Republic the legionaries were predominantly volunteers rests not on a single ancient text but on modern reiteration. It flouts what evidence there is. Certainly, the armies were mainly drawn from the *proletarii*, if only because they composed the vast majority of the free population,[3] and such immense forces as were under arms in the 80s, 70s, 40s, and 30s could not have been raised in any other way. But *proletarii* too had to be impressed for service. There was not even any care for equity. Some were retained for 20 years or more, others escaped the levy altogether (p. 401 n. 5). Patronage still secured relief (p. 410 n. 1), and recruiting officers were naturally amenable to bribes. It was Caesar's law *de repetundis* of 59 that provided 'ne quis ob militem legendum mittendumve aes accipiat'.[4]

In the Principate Italians progressively disappear from the legions. More than one reason for this may be adduced. We may think that Italy was 'bled white' by the civil wars and that the military spirit never recovered there. (This would itself require explanation.) It may be too that the government increasingly found it convenient to rely on local recruitment. This saved transport costs, and was less repugnant to natural human sentiment. After Augustus the legionary normally served for 25 years on or near the frontiers. In the Republic legionaries had a claim to return home after six years, though many had to serve far longer. If such a relatively short term had been offered and assured, Italians might have been more willing

[1] *AL* 79 f. Saturninus, Appendix 12. [Plut. *Cr.* 2 shows some allotment to Marius' veterans in Italy.] Pompey left some soldiers in the east in 62 (Chapter XXV, section iii); they, of course, got no allotments. Augustus, Chapter XIX, section vii.

[2] Cic. *de imp. Cn. Pomp.* 37; *Pis.* 88. See Harmand 324 ff.

[3] Dion. Hal. iv. 18. 2, 20. 5, 21. 1; vii. 59. 6 (relevant to later times).

[4] *Dig.* xlviii. 11. 6. 2, cf. *Bell. Alex.* 56. 4; Tac. *Ann.* xiv. 18. 1; *Hist.* iv. 14. 1; the abuses incidental to provincial conscription would have occurred in Italy in the Republic. Cf. *II King Henry IV* III. ii; C. H. Firth, *Cromwell's Army*, 1902, ch. I.

to enlist. They would not have had to leave their homes and families virtually for ever. As it was, the government did not venture to coerce them, save on rare occasions. There is at least a correlation between the abandonment of conscription in Italy (not in the provinces) and the diminution of the Italian proportion in the legions.

Augustus still used conscription in Italy. Livy refers to occasional levies, presumably in Italy, and on my view the term *dilectus* connotes conscription.[1] In the crises of A.D. 6 and 9 the urban proletariat and even freedmen were called up.[2] One story shows that he enforced the obligation of army service on men of rank (p. 391 n. 3). Velleius implies that the levy retained its terrors until Tiberius' time (see n. 5). However, there is a puzzle here. In A.D. 6 Augustus complained of the 'penuria iuventutis'[3] and he found it impossible to replace Varus' 3 lost legions in A.D. 9. Even on my low estimate of Italian manpower it must have been practicable to impress as many men as in the 40s or 30s, when there were not far short of 200,000 Italians under arms; allowing for provincials in the Augustan legions, we cannot rate the number of Italian soldiers in A.D. 6 or 9 nearly so high. It looks as if Augustus applied coercion not systematically but where he thought offence would matter least and therefore least detract from that universal goodwill on which his regime was in part founded. Tiberius, whose aim was to walk in Augustus' steps, was to abandon conscription in Italy altogether.

In A.D. 23, according to Tacitus, the emperor gave out that he would visit the provinces: 'multitudinem veteranorum praetexebat imperator et *dilectibus* supplendos exercitus: nam *voluntarium* militem deesse ac, si suppeditet, non eadem virtute ac modestia agere, quia plerumque inopes ac vagi sua sponte militiam sumant.'[4] Here the contrast between 'dilectibus' and 'voluntarium' illustrates my thesis in Appendix 20 that the former term in itself suggests conscription. It is only in the provinces that Tiberius contemplates levies, and levies there are necessary because (i) by implication it is contrary to his policy to hold them in Italy; (ii) as expressly stated, he cannot obtain in Italy enough volunteers, at least of the right kind. So too Velleius praises Tiberius because 'quanta cum quiete hominum rem perpetui praecipuique timoris, supplementum, sine trepidatione dilectus providet'; again 'supplementum' and 'dilectus' convey the nuance of compulsion.[5] It may indeed be argued from Tacitus' words that Tiberius (and perhaps Augustus) were reluctant to enrol 'inopes ac vagi' whom their republican predecessors would have cheerfully accepted.[6] But the words 'si suppeditet' must also be noted; there was no guarantee that the ranks

[1] Livy vi. 12. 4, cf. Appendix 20.
[2] *AL* 74 n. 60.
[3] Pliny, *NH* vii. 149.
[4] Tac. *Ann.* iv. 4.
[5] ii. 130. 2.
[6] The disappearance of *obaerarii* from Italy in the 30s (Varro, *RR* i. 17. 2), contrast Sall. *Cat.* 33. 1, may be due to the readiness of the triumvirs to enlist such people.

could be filled even with men of this stamp. And we may once more recall that *dilectus* attested in the Republic, of which some certainly, and all probably, involved coercion, were (as Cicero has it) invariably hateful and most hateful in civil war, or in Velleius' language evoked continuous and extraordinary fear.

The persisting and frequent necessity for conscription in the late Republic is not irrelevant to the theme of the first part of this book. I do not claim that it is incompatible with Frank's estimate of the free population of Italy, for there can be no valid means of determining the proportion of young men who could be expected to volunteer. But it is easier to see why it was impossible to do without conscription if the number of adult males did not greatly exceed 1½ millions than if it approached 4 millions. Given the great size of armies in certain decades of the first century, I would be surprised on my estimate of the free population if the evidence showed that most soldiers were volunteers, and would regard it as a strong objection to that estimate. But the evidence shows nothing of the kind: it is not only consonant with the thesis that most soldiers were conscripts but points strongly towards that thesis. If the free population was as small as I believe, then the army requirements were never negligible and at times a fearful burden. This will be shown in the next chapters. The high proportion of young men taken from their homes for years and often for ever in itself helps to explain the demographic decline in republican Italy. (See p. 713.)

XXIII

MEN UNDER ARMS, 218–91 B.C.

(i) *Prefatory Remarks*

OUR sources occasionally state the numbers in an army. These statements are not often dependable; analysis shows that they tended to convert the number of legions and allied contingents into the number of soldiers on the assumption that the units were at full strength. That assumption may sometimes be justified, but its probability has to be tested in the light of all we know of the history of the units and the general situation at the time. In any case, if we could only try to determine how many men were under arms year by year from these scattered notices, we could not hope to succeed: our information would be too fragmentary. But fortunately for the years 218–167 Livy preserves fairly systematic records of the number of legions in the field and gives us other information from which gaps in his records can be filled with approximate certainty. He also tells us something of the numbers of allies who had to serve alongside the legions, and of the *supplementa* dispatched to take the place of soldiers who had died or whose term of service had expired.[1] This annalistic evidence provides a basis for estimating the numbers of men in the field year by year, if it can be regarded as authentic. Many scholars have treated it as late invention, notably M. Gelzer. In my view their scepticism is not warranted. De Sanctis answered earlier attacks on the annalistic tradition, in so far as they concern the Hannibalic war, and Thiel has shown its general credibility in relation to the fleets, but so far as I know, a reply to Gelzer is still lacking, and I have tried to supply one in Appendix 22. In this chapter the general reliability of Livy's data on armies and fleets is assumed.

Granting that we know the number of legions from 218 to 167, we still have to determine their average strength. Afzelius contended that during the Hannibalic war the full complement of a legion was raised from 4,200 to 5,200 foot (with 300 horse in each case) and that it remained at the higher figure until further increased to 6,200 by Marius (who had precedents in

[1] Livy mentions *supplementa* for all armies in xxiv. 44. 7 (213); xxv. 5. 5 (212); xxvii. 8. 11 (209); xxix. 13. 8 (204). The first of these may be credible; it comes only a year after the reduction in the property qualification for legionary service (p. 403). He strongly hints that the second proved impracticable. In 209 reinforcements were sent 'quantum opus erat', probably not to 'garrison' legions. By 204 the manpower situation had probably somewhat improved. Commanders involved in major operations were sometimes authorized to afforce their armies from other legions (xxvi. 1. 7; xxvii. 38. 9; xxix. 24. 14).

the third Macedonian war). I have accepted this contention in Appendix 25. It is not, however, to be assumed (as the annalists sometimes thought) that there was no difference between the paper and the effective strength. In the Hannibalic war many legions must have been severely depleted. On the other hand, the frequency with which *supplementa* are recorded between 200 and 168 suggests that in those years legions were commonly kept up to full strength.

It is much more difficult to ascertain how many allies served in the Italian cohorts and *alae*. The information Livy gives is incomplete, and it takes the form of statements that so many Italian foot-soldiers and cavalry were brigaded with so many legions; probably the numbers of men are simply multiples of the numbers of units. However, if it was the policy between 200 and 168, the period from which most information comes, to keep armies up to strength, this will apply no less to allied contingents than to legions, and the numbers recorded may be accepted. By contrast, the few similar statements for the Hannibalic war probably refer to paper, not to effective strength. It is curious that in the early second century the ratio of allies to Romans is much higher than that which Polybius regarded as normal and that after about 180 it declines again to near the Polybian level. Whatever may be the explanation of these reported changes, they can hardly be ascribed to mere inventions by the annalists. It seems probable that the ratio was again increased later in the century. These matters are fully discussed in Appendix 26.

For numbers of ships I rely on the researches of Thiel but have somewhat modified his conclusions (Appendix 24), and for the legions I have accepted the views of De Sanctis on the Hannibalic war and, with one modification, those of Afzelius for 200–168.

Thereafter Livy's record fails us, and we have only scattered evidence, of which to my knowledge no modern analysis exists. The fourth section of this chapter seeks to determine how many men were in the field in these ill-documented years, and presents the evidence in detail, whereas the next two summarize the conclusions of earlier scholars.

(ii) *The Hannibalic War*

Table X sets out the number of legions year by year in accordance with the views of De Sanctis. Other scholars who have also accepted in general the annalistic evidence have presented estimates which slightly differ from his. It would matter little if one of these was right on a disputed detail (though I believe that De Sanctis's conclusions are generally preferable): the general picture would remain the same. I have added in the Table rough estimates of the number of legionaries, which De Sanctis does not give. These must be explained.

TABLE X

LEGIONS IN THE HANNIBALIC WAR

	Number of legions (newly raised in brackets)	Number of men
218	6 (6)	27,000
217 before Trasimenus	11 (5)	50,000
after Trasimenus	11 (2) (*a*)	50,000
216 before Cannae	13 (2)	65,000
after Cannae	14 (3) (*b*)*	58,000*
215	15 (1)*	60,000*
214	20 (5)*	75,000*
213	22 (2)*	75,000*
212	25 (3)*	80,000*
211	25 (2) (*c*)	75,000
210	21 (4) (*d*)	65,000
209	21 (2) (*e*)	65,000
208	21 (0)	60,000
207	23 (2)	65,000
206	20 (1) (*f*)	55,000
205	18 (0) (*g*)	50,000 (*h*)
204	19 (4) (*i*)	55,000
203	20 (2) (*j*)	60,000
202	16 (0) (*k*)	50,000
201	14 (2) (*l*)	45,000

The number of legions is mainly derived from De Sanctis iii. 2. 632 f. The estimates of the number of men are very rough, see pp. 420 f.

Notes

(*a*) 2 legions raised to replace 2 lost at Trasimenus.
(*b*) The 2 *legiones Cannenses* were reconstituted from the 4 cut to pieces at Cannae and are counted in each remaining year. In addition 2 regular legions and 2 of *volones* were formed. But 2 had been lost in Gaul. I also include, *contra* De Sanctis, as a new legion Varro's 'praesidium' in Apulia (p. 649) and only allow 5 new legions in 214 (p. 650).
(*c*) After loss of *volones*.
(*d*) A single legion was formed from the 6 hitherto in Campania, the other legionaries being disbanded; in addition 2 legions in Sicily and one with the fleet were discharged. The survivors of the 2 legions under the Scipios in Spain were brought up to 4 legions by reinforcements.
(*e*) After loss of 2 legions at Herdonia.
(*f*) After discharge of 4 legions.
(*g*) After discharge of 2 of the Spanish legions.
(*h*) Assuming a *supplementum* for Scipio's army.
(*i*) After discharge of 2 legions and amalgamation of 2 as one.
(*j*) After discharge of 1 legion.
(*k*) After discharge of 4.
(*l*) After discharge of 4.
* Including *volones*, 2 legions, originally 8000 strong.

The newly raised legions of 218 are attested as of the strength then normal, 4,500 horse and foot (Appendix 25). I assume that the new legions formed in 217 conformed to the same pattern, and that the old legions were brought up to strength.[1] In 216 the consular army of 4 legions was afforced by 10,000 men, doubtless half Romans, half allies; each consular legion was probably 5,500 strong. In my judgement the view taken by Polybius that the consuls had 8, not 4, such strengthened legions must be rejected.[2] In 217 8,000 men had been sent to reinforce the army in Spain; they presumably included enough citizens to bring the 2 legions there up to the same strength.[3] On the eve of Cannae the Romans had 13 legions in the field, 6 at 5,500 and 7 at 4,500, comprising some 65,000 men. I put their previous losses at 25,000. On this basis some 90,000 Romans had served or were still serving up to the battle of Cannae. The mortality in that disaster, like the number of troops engaged, is grossly exaggerated; casualty figures are commonly suspect, even when given by contemporaries and eye-witnesses (Appendix 29). I should set the number of killed and missing at no more than 30,000, half Roman.[4] In 216 2 other legions were cut to pieces in Gaul, and the majority of 9,000 citizens lost. But in the autumn of that year the Romans raised 3 more regular legions (besides the 2 formed of *volones*, enfranchised slaves), and a fourth in 215. Given the shortage of manpower at this time (pp. 64 ff.) they cannot have been above the normal strength, comprising then only 18,000 men. Thus by the end of 215 the Romans had mobilized about 108,000 men for the legions since 218, of whom up to

[1] Fabius stated that at Trasimenus 15,000 were killed and 10,000 escaped (Livy xxii. 7); the former figure probably covers killed and missing; a total of 25,000 is implied for Flaminius' army, and that of his colleague should have been no smaller (cf. De Sanctis iii. 2. 116 ff.). Their armies had previously been under the command of the consuls of 218, and these figures show that the losses in that year had been made good.

[2] Livy xxii. 36 had read that the Roman army comprised either 4 legions strengthened by 10,000 recruits (of whom at least half would have been allies) or 8 legions, each 5,500 strong, with proportionately large allied contingents, making an army of 87,000. Polybius iii. 107 adopts the second view, and gives a total strength of 80,000 foot, plus (it appears) 6,000 horse (see Walbank, ad loc.). The first account is to be preferred (*pace* Walbank), not only for the reasons De Sanctis gives (131 ff.), but because the success of Hannibal's tactics at Cannae is unintelligible if the Roman forces outnumbered his own by two to one (*CAH* viii. 52. n. 1). Livy's details on casualties (xxii. 49) presuppose the larger total; the rival estimate which must have been given by the authority for the smaller size of the army is lost.

[3] Livy xxii. 22. 1.

[4] For the Trebia Pol. iii. 73 f. suggests Roman and allied losses of 20,000, which De Sanctis iii. 2. 32 n. 48 would reasonably reduce to 15,000. For Trasimenus Fabius' 15,000 killed (n. 1) should include captured; Polybius iii. 84 f., gives 15,000 captured in addition, but as often is following a 'Punic' source which inflates Roman losses. The formation of the *legiones Cannenses* from the survivors of Cannae suggests that Livy xxii. 54 rightly estimated their number at 14,500 (of whom about half would have been allies); if then the army had been about 45,000 strong, the number of killed, captured, and missing was about 30,000, presumably including 15,000 citizens, cf. De Sanctis 134 f. An equal number had been lost in the two previous disasters, to whom I add 10,000 for minor engagements (notably Manlius' defeat in Gaul and the Ticinus) and for general wastage, half citizens.

50,000 had been lost (allowing for some further wastage in 215), excluding the *volones*. As argued previously (pp. 402 ff.), it was now that the property qualification for legionary service had to be lowered, and some former *proletarii* became liable to enrolment (p. 66). This enabled the government to raise 5 new legions in 214 and 2 new legions almost every year, though at intervals some others were disbanded.

For the rest of the war most of the legions must have been at most 4,500 strong and often much weaker. It is true that we still hear of legions 5,000 strong (Appendix 25), and there are perhaps grounds on which these annalistic statements can be credited; more probably, they wrongly assumed that the effective strength of a legion was that which became normal in the next century. In Italy Roman strategy required a multiplicity of forces rather than large armies that could risk another battle with Hannibal. Some legions distant from the main theatre of operations (in Gaul, Picenum, or Etruria) can have been no more than garrisons and were probably not reinforced to compensate for wastage.[1] Even in the south, the fact that 6 legions were needed to reduce Capua suggests that none was strong. The *legiones Cannenses* must have been weak from the start; they were afforced from time to time by soldiers sent to Sicily in disgrace, but such additions can at best have counteracted wastage.[2] The testimony of Polybius shows that Scipio's 4 legions in Spain were rather below than above the normal figure of 4,500.[3] My estimates of the number of legionaries allow very roughly for continuous wastage, as much through disease as in fighting,[4] though they assume that new legions were always 4,500 strong. Variants of 10 per cent would be readily acceptable.

I take the occasional figures given for allied contingents to represent paper strengths and to be undependable. The loyal allies, viz. the Latins, Abruzzi peoples, Etruscans, Umbrians, and about a third of those Polybius classified as Samnites in 225, could on my computations have furnished some 225,000 *iuniores* in that year or about as many as Rome; after Cannae they might have furnished as many soldiers as Rome herself (including those necessarily reserved for local defence in places such as Venusia, Beneventum, and Nola). The complaints made by the 12 dissident Latin colonies show that the burden was heavy.[5] Of the rebels only the Bruttians and perhaps the Lucanians assisted Hannibal much in the field, but the rest inevitably had a high proportion of their men under arms in their own local

[1] For weakness of army in Gaul, Livy xxvii. 39. 2. But cf. p. 416 n. 1.

[2] The minimum strength of each legion on formation must have been 3,000 (or the survivors would have been organized in a single legion), more probably 3,500 (cf. p. 419 n. 4). Soldiers 'minimi roboris' (Livy xxiii. 25. 8), 2,000 evaders of military service (xxiv. 18. 8 f.), and survivors of Herdonia (xxvii. 8. 13 ff.) were added in 215, 214.

[3] ix. 9.

[4] See pp. 134 f.

[5] Livy xxvii. 9. 2; xxix. 15. 3 plausibly says that loyal allies were as exhausted as the dissident colonies.

defence, until they had to submit to Rome (p. 279 n. 9). It is unlikely that the Roman government considered them sufficiently trustworthy to provide any soldiers on the Roman side until Hannibal had left Italy, and the Bruttians, if not the Lucanians, were debarred from military service thereafter (p. 279). That treatment was not accorded to all the rebels. On the contrary, it seems probable that like the dissident Latins they were punished by being required for a time to furnish a higher proportion of soldiers than had been customary in the past. This would help to explain why the ratio of allies to Romans rises after the Hannibalic war, though only temporarily (Appendix 26). The disloyal Italians in effect had to pay arrears of military service.

There were also some citizens and allies, of the proletarian class, serving with the fleets (Appendix 24). Thiel thinks that in most years down to 208 the Romans had 215 warships in commission and in 208 no less than 290. Most of these were quinqueremes, though some ships built in 214 and 208 or captured in 209 must have been triremes.[1] A quinquereme required some 300 rowers, and it was usual to place 40 marines on board. For battles the last number could be increased to 120, but I assume that if the normal complement of marines was ever exceeded in the Hannibalic war, the additional soldiers were found from local armies in Sicily or Spain.[2] On Thiel's reckoning of the number of ships (neglecting the fact that a few were only triremes) 73,100 men would have been serving with the fleets in 212 and 95,200 in 208. I regard these estimates as too high. Thiel has made a mistake of the same kind as that of assuming all the legions to have been up to strength. Probably the ships in commission were often undermanned, like Scipio's on the eve of his capture of New Carthage, and almost certainly there were not as many ships in commission as Thiel supposes. In 212 not more than 120 may have been capable of putting to sea, and in 208 between 178 and 228.[3] If we assess the number of naval and military personnel on board at 300 and not 340, we then have totals of 36,000 for 212 and 53,400–68,400 for 208. The marines drawn from Roman citizens and allies in Italy would have been only 4,800 and 7,120–9,120; on Thiel's estimates they would have been 8,600 and 11,200. Some of the naval personnel were slaves furnished by the Romans and doubtless by their Italian allies, and freedmen or ingenuous poor must also have been found among the rowers. But I do not doubt that many, perhaps most, of the rowers in the Sicilian and Spanish fleets were recruited locally. On Thiel's reckoning the ships in these fleets numbered 165 in 212 and 183 in 208, on mine 95 and 153. The

[1] Thiel I. 198 f.

[2] However, in 209 P. Sulpicius had as many as 4,000 soldiers in Greece with only 25 ships (Livy xxvii. 32. 2 from Polybius). These men cannot be regarded as marines. Sulpicius' predecessor, Laevinus, is credited with a legion, whose disbandment was ordered at the beginning of 210 (xxvi. 28. 9). Perhaps Sulpicius retained allied cohorts thereafter.

[3] The lower figure is preferable, see p. 668, n. 2.

Italian population, including slaves, may have provided, on Thiel's reckoning for ships, no more than 35,000 men for the fleets in 212 and 50,000 in 208, on mine 20,000 in 212 and 30,000–35,000 in 208. (For prudence I suggested that 15,000 were citizens on p. 66.) Thiel also holds that as late as 202–201 the number of ships actually in service was again brought up to 200. Taking the view that there was considerable wastage from disease and desertions, though not from fighting, I should not be prepared to determine the number of ships and seamen actually in service year by year, but would guess that it would be enough to suppose that between 20,000 and 40,000 men were required from the total Italian population each year for naval service.

Allowing for men serving with the fleets and for rebel forces, I would guess that the number of legionaries in Table X might be multiplied by 3 to give the total number of Italians called up, at any rate for the years 215–212. Thereafter, the number of *rebels* must decline year by year, as Rome forced them to submit, and we may assume that none were *immediately* required to supply Rome with troops. They might perhaps first have been obliged to furnish rowers for the fleets, and towards the end of the war contingents for the principal theatres of operations. Even before 200 the government might well have chosen to raise their contribution of men. Perhaps after 212 we should multiply Roman numbers by 2·5. On this hypothesis between 225,000 and 240,000 men were called up from 214 to 212, between 160,000 and 185,000 from 211 to 209, between 125,000 and 150,000 from 208 to 203, and about 100,000 in the last two years of the war.

On my estimates of the number of legionaries in service in Table X it is likely that between 214 and 203 some 75,000 men died in the legions. The total mortality in the army from 218 to 203 would then have been about 120,000. After Cannae there were few military disasters, but disease must have taken a steady toll. In 203 214,000 citizens *registered*. The corresponding figure of citizens, excluding 34,000 Campanians, who would have *registered* in 218, was probably about 265,000 (p. 61). The net loss imputable to the war was thus about 50,000 or almost 20 per cent of adult male citizens. In other words, some 70,000 of the war casualties would in any event have died in these years. I presume that the loyal allies suffered in proportion, and the rebels probably worse; they probably lost fewer men in battles, but more as a result of famines and consequent epidemics resulting from the devastation of their land; it was mainly in their territory that operations in Italy took place (Chapter XVI). See Addenda.

(iii) *200–168 B.C.*

Afzelius carefully examined and analysed the annalistic evidence on the number of troops, Roman and allied, employed in these years.[1] With one

[1] Afzelius II, *passim*. For a more detailed conspectus of his conclusions on legions see Toynbee ii. 652.

modification (*infra*) his results are summarized in Table XI. There is little to be gained from doing Afzelius' work over again, and I refer to it for all details and documentation. Certain general points must be made clear.

(1) The *number* of legions, given in the second column of the Table, is pretty certain, except that in some years the presence of legions in a particular theatre has to be assumed; for instance, we are not actually told that there were 4 legions operating in north Italy in 185 or 175 or 2 in 170; however, this is a reasonable inference from operations in the contiguous years. I differ from Afzelius on only one matter; in my view, after 179, there were only 2, not 4, legions garrisoning Spain (Appendix 23). Hence, for each year from 178, my total of the number of legions is less by 2 than his. I have conjecturally made a corresponding reduction in the number of allied troops, on the assumption that at this time each legion was accompanied by 6,300 allies.

(2) Afzelius is in my view right in thinking that after 184 at latest the *nominal strength of a legion* was 5,200 foot and 300 horse. Afzelius supposes that the practice began in the Hannibalic war, but this seems unlikely. In Table XI I have followed him in reckoning the legions to be 5,500 strong from 200, but the change was more probably made between that date and 184, and the figures for citizens under arms may be too high for the earlier years of the second century, even on the assumption that legions were kept up to nominal strength. The copious evidence in Livy on *supplementa*, which he gives, suggests that they were, i.e. that men lost and those entitled to discharge, probably after a maximum of 6 years' service (p. 401), were speedily replaced. Those who are sceptical about annalists' reports on *supplementa* may regard the totals in the last column of the Table, even after 184, with greater distrust than the figures for the numbers of legions.

(3) The fourth column reproduces Afzelius's conjectures (II. 62 ff.) on the *number of allies in service* with the modification mentioned in (1). Some are hazardous. I doubt myself whether he is right in believing that Italian *auxilia* garrisoned certain provinces in the absence of legions, where this is not actually recorded. If any of the figures in the fourth column are excessive, the totals are once again too high. But on any view they show that the ratio of allies to Romans was higher at the beginning of the period than Polybius allowed and that it sank sharply after about 180 (Appendix 26).

The average number of legions in the field in these years was 8·7 and, if all were kept up to the strength assumed by Afzelius, the average number of citizens under arms was 47,850. The average number of allies (which may be too high) is 73,000.

In some years there were citizens and Italian allies, probably mainly freedmen, serving with the fleets.[1] Hence Table XII presents a conspectus of total military and naval demands on *Italian* manpower. It assumes

[1] Thiel I. 200–431, cf. Appendix 24.

TABLE XI

MEN UNDER ARMS (EXCLUDING FLEETS), 200–168

	Number of legions	Number of legionaries	Number of allied troops	Total
200	8	44,000	83,500	127,500
199	6	33,000	68,000	101,000
198	8	44,000	68,800	112,800
197	6	33,000	69,800	102,800
196	10	55,000	84,300	139,300
195	10	55,000	95,100	150,100
194	8	44,000	68,800	112,800
193	8	44,000	68,800	112,800
192	10	55,000	84,300	139,300
191	12	66,000	105,600	171,500
190	13	71,500	110,900	182,400
189	12	66,000	98,700	164,700
188	12	66,000	100,500	166,500
187	8	44,000	83,800	127,800
186	10	55,000	68,200	123,200
185	8	44,000	73,500	117,500
184	8	44,000	73,500	117,500
183	8	44,000	73,500	117,500
182	10	55,000	86,300	139,300
181	8	44,000	82,100	126,100
180	8	44,000	72,800	116,800
179	8	44,000	65,400	109,400
178(*a*)	7	38,500	47,650	86,150
177	7	38,500	46,650	85,150
176	10	55,000	63,300	118,300
175	7	38,500	44,400	82,900
174	7	38,500	44,400	82,900
173	7	38,500	44,400	82,900
172	6	33,000	42,400	75,400
171	10	56,600 (*b*)	66,800	123,400
170	10	56,600 (*b*)	66,800	123,400
169	8	45,600 (*b*)	65,600	111,200
168	10	58,200 (*c*)	76,400	134,600

(*a*) From this year to 168 I allow only 2 legions in Spain *contra* Afzelius and reduce the number of allied troops at the rate of 6,300 per legion. (*b*) 2 legions of 6,300 men. (*c*) 4 legions of 6,300 men.

(*a*) that Thiel was wrong in postulating that 25 ships were operating in the Adriatic in 200–194 (if he were right, the numbers would go up by 10,000); (*b*) that a proportion of the crews were Sicilians; (*c*) that crews were kept up to strength by new drafts from Italy. That is attested in 169, but I suspect that it is an unrealistic assumption in general, and that additional rowers were impressed, so far as possible, where the fleets were operating. Hence the figures are probably too high for every year except that in which

a war began and the fleet was first equipped. Fleets were only employed, so far as we know, in the east except for small squadrons in 195, 181–180, 178–176.

TABLE XII

ITALIANS IN ARMIES AND FLEETS, 200–168

	Armies	Fleets	Total
200	127,500	16,000	143,500
199	101,000	16,000	117,000
198	112,800	16,000	128,800
197	102,800	16,000	118,800
196	139,300	16,000	155,300
195	150,100	26,000	176,100
194	112,800	16,000	128,800
191	171,500	30,000	201,500
190	182,400	30,000	212,400
189	164,700	30,000	194,700
181	126,100	8,000	134,100
180	116,800	8,000	124,800
179	109,400	?	109,400(?)
178	86,150	8,000	94,150
177	85,150	12,000	97,150
176	118,300	8,000	126,300
172	75,400	20,000	95,400
171	123,400	20,000	143,400
170	123,400	25,000	148,400
169	111,200	25,000	136,200
168	124,600	25,000	149,600

I confess to surprise at viewing these figures. They seem to show that the requirements for manpower were still enormous after the Hannibalic war had ended and that in 191–190 they rose to much the same peak as in the gravest crisis of that struggle. It may be thought that after all Afzelius's hypothesis on the normal size of the legions in this period is too high. We could then reduce the Roman figures by about a fifth and perhaps make corresponding deductions from the allied quota. Even so, the number of men under arms would rise in 191 to 137,000 and would not sink below 60,000 (in 172); with marines and oarsmen the relevant figures would be 167,000 and 80,000. The annual average for men with both armies and fleets is 131,000 (perhaps 60 per cent of the manpower required at the height of the Hannibalic war), or if the proposed reductions are effected, 107,000 (over 50 per cent). Doubt may also be felt about the assumption that armies were kept up to strength by regular *supplementa*. That was certainly not the invariable practice in the late Republic, and I have argued

that it was not feasible in the Hannibalic war; we must reckon with the possibility that even if *senatus consulta* authorizing *supplementa* are truly recorded, they may not always have been carried out (Appendix 22). So too, while we should accept Afzelius's view of the normal strength of legions, it would be prudent to admit that some legions were weak, as in later days, even when first formed; the levy might be inefficiently conducted and the magistrate in haste to leave for the war. Still it is impossible to resist the conclusion that 10 per cent and generally more of Italian adult males were at wars year by year. This diversion of so much free labour from essential production was only possible because the profits of war enabled Italy to import supplies from abroad and above all slaves who could replace free men in agriculture, trade, and industry. The military power of Rome was now based on abundant slave labour, just as the military power of Sparta had been founded on helotry. But the burden of conscription and the economic effects of Rome's conquests combined to bring about what Toynbee calls the deracination of the Italian peasantry.

(iv) *167–91 B.C.*

Between 167, when Livy's text breaks off, and the Social war our information is meagre on the number of legions under arms. None the less we need not despair of assessing with fair accuracy the claims made on Roman manpower, given certain assumptions which are at least plausible. In particular it will be assumed throughout that normally a consular army comprised 2 legions, a praetorian army one, and that each of the Spanish provinces, when governed by a praetor, was garrisoned in this period by only 1 legion.

When the Roman generals returned to triumph from Macedon and Illyria in 167, Rome had no serious wars on her hands.[1] This remained true until the recrudescence of hostilities in Nearer Spain forced the government to send a consul there in 153. The military needs of Rome from 167 to 154 inclusive were very much what they had been in the interval between the war with Antiochus and that with Perseus; apart from Spain, legions had regularly been employed in Cisalpina, occasionally in Sardinia. No doubt the Alpine and Ligurian tribes gave less trouble after 168 than they had done in the two preceding decades, but both consuls operated in the north in 167 and again in 166, and in the latter year both earned triumphs. In most succeeding years we do not even know what provinces (if any) the consuls received, but Cisalpina was allocated to C. Marcius Figulus in 162, Liguria to M. Fulvius Nobilior in 159 (he triumphed in 158), and M. Claudius

[1] References are given *sub annis* in *MRR*. On Spain cf. Appendix 23, on Cisalpina, Appendix 10. Legions in Cisalpina now seldom had much fighting to do; Polybius' statement that in 156 the senate welcomed the chance of a Dalmatian war, lest the citizens grow effeminate in time of peace (xxxii. 13) is not incompatible with the regular stationing of legions in Cisalpina.

Marcellus triumphed from Liguria in 154. Already in 163, and again in 149, neither consul was employed in the north, yet an army may have been under proconsular or praetorian command; it is significant that in 148, when one consul was besieging Carthage, his colleague was apparently pre-empted for Cisalpina, where he built the Via Postumia, presumably with military labour,[1] although a serious revolt in Macedon required the presence there of 2 legions, which had to be placed under a praetor. Consuls are again attested in Cisalpina in 143, 136, 118, 115, and 95, to say nothing of the time of the Cimbric war. Since the provinces, if any, of most consuls are not attested, we might think that the insecurity of the north, which persisted throughout the late Republic (pp. 198 ff.), regularly demanded a consular army there, at least when a consul was not operating in Transalpine Gaul or Illyria, with Cisalpina as his base. Indeed it may be noted that Sex. Atilius, consul 136, was active, fixing local boundaries, in Cisalpina as a proconsul,[2] although his successor, Ser. Fulvius Flaccus, was campaigning in Illyria; did he not have legions? And might not Flaccus have remained to guard Cisalpina in 134, when both consuls had other provinces? On the other hand, in some years one consul, like P. Mucius Scaevola (133) and C. Fannius (122), seems to have remained at Rome. In Table XIII I have arbitrarily assumed that from 166 to 135 there were never more than 2 legions in Cisalpina and that none were there after 135, except when consular governors are recorded; but I have little doubt that the second assumption at least is false, and that in many years 2 more legions were under arms than those shown in the Table from 135.

It would appear then that from 167 to 154 inclusive the Romans had each year at least 6 legions in service, 2 in Spain and 4 under the command of consuls, either in Cisalpina or occasionally in Corsica and Sardinia (163–2), Dalmatia (156–5), and Transalpine Gaul (154); operations in the last two regions were essentially extensions of those in north Italy. It may be that in some years praetors had a single legion in Sardinia, but that had not been normal earlier in the second century.

In the next 4 years a consular army of 2 legions was in Nearer Spain. The forces in Spain were thus raised to 3 legions. Except in 150, when the army of Nearer Spain remained under the command of L. Lucullus, consul 151, one of the consuls was in charge. At most one consular army was then available for Cisalpina in 153–1. As the region must have been becoming steadily more peaceful, we may guess that the Spanish emergency prompted the government to reduce the regular forces in the north permanently. In that case we need not posit more than 5 legions in these years.

A lull in hostilities in Spain, which did not require the presence of a consular army from the end of 150 until 145, coincided with the outbreak of

[1] F. T. Hinrichs, *Historia* xvi, 1967, 165 ff., citing Livy xxxix. 2. 5 on the Via Flaminia.
[2] *ILS* 5945.

war in Africa and Macedon. In 149 both consuls went to besiege Carthage, probably with 4 legions (Appendix 26) and a praetor, P. Iuventius, was dispatched to suppress the Macedonian revolt with a single legion.[1] His army was cut to pieces and in 148 the praetor, Q. Metellus, was dispatched with what Zonaras calls a large force, evidently 2 legions; the Romans were obviously not making the mistake of underrating Andriscus a second time.[2] Metellus did not return to triumph until 146. Of the consuls of 148, L. Calpurnius Piso must have taken over the 4 legions in Africa commanded by both his predecessors, and Sp. Postumius in Cisalpina can hardly have lacked the regular consular army. Reckoning 2 legions in Spain and 2 in Cisalpina, we thus have a total of at least 9 in 149 and 10 in 148. The African army was commanded in 147 and 146 by P. Scipio, and in 146 L. Mummius was sent out to Greece with 2 legions, which remained until his return in the following year; in the former year Metellus was still in the region, and Rome thus had 4 legions beyond the Adriatic as well as 4 in Africa and 2 in Spain. Probably the colleagues of Scipio and Mummius governed Cisalpina and 2 further legions were under arms. Thus the total for 147 should be 10 and for 146 12, brought down by the close of the year, when both Metellus and Scipio had returned, perhaps to 6.

We must now inquire whether Rome retained permanent forces in Macedon after the suppression of Andriscus' revolt. Before the Social war we find consuls operating there on occasion, and this was even more common after Sulla. The frontier of the province was insecure (p. 468) and Andriscus' success showed that the Macedonians were restive under Roman control. Hitherto they had been left to manage their own affairs; now they were subjected to a Roman governor, normally praetorian. It can hardly have seemed safer to leave Macedon and its governor without armed forces than to withdraw the garrisons from Spain. One would therefore expect that the praetor in Macedon normally had a legion at his disposal. About 143 a Pseudo-Perseus who had raised 16,000 men was crushed by the quaestor, L. Tremellius, and the praetorian governor, Licinius Nerva, was hailed *imperator* for the success; it looks as if he had Roman troops.[3] In 135 the praetor, M. Cosconius, gained successes over the Scordisci in Thrace. In 119 another praetor, Sex. Pompeius, fell in battle with the Gauls whom he had encountered with 'his own troops'; they were then repulsed by his quaestor, who is praised *inter alia* by a Macedonian city for not making demands on the Macedonians for soldiers; it seems apparent that his army was Roman. Obsequens (43 and 48) registers fighting in 103 and 97.[4] From 93 to 87 the governor of praetorian rank, C. Sentius, was continually engaged

[1] Florus i. 30. 4, cf. Eutrop. iv. 13; Oros. iv. 22. 9.

[2] Zonaras ix. 28, cf. De Sanctis iv. 3. 124 n. 124.

[3] The inference is uncertain, if M. Antonius, also hailed *imperator* for his Cilician successes (p. 431), had no legions.

[4] *SIG*³ 700.

in resisting Thracian depredations and latterly the invasion of Mithridates' army; if in 87 he had but few Roman troops, according to Appian,[1] that is not in the least surprising; a single legion which the Romans could naturally not have reinforced after 91 would have been depleted by continuous warfare; Appian's expression is most easily intelligible if such a legion had been stationed in Macedon from the beginning of Sentius' tenure. The evidence, meagre as it is, therefore tends to confirm what is intrinsically probable, that from 146 Rome kept one legion at least in Macedon. This force was doubled when consulars operated there.

Thus from 145 there was a normal establishment overseas of one legion in Macedon and one in each of the Spanish provinces. But Further Spain required a consular army in 145–4 and 142–35 and Nearer Spain in 143 and 142–133. In most of these years then 5 legions were under arms in the provinces. Troops also had to be sent to Sicily to crush the first slave revolt. Normally the island had no garrison, and the praetor, L. Plautius, conjecturally dated by Broughton to 139, the first who met the slaves in battle, is stated by Diodorus to have raised his army of 8,000 men locally.[2] It seems probable, though it is not recorded, that later praetors were given a legion to suppress the revolt; when they failed, consuls were sent to the island, presumably with 2 legions, in 134, 133, and 132. In Cisalpina 2 legions should be assumed at least until 135 (*supra*). In the twelve years preceding Tiberius Gracchus' tribunate the average number of legions under arms was about 7, comprising 35,000 *assidui*, if they were at full strength.

In 131, 130, and 129 one of the consuls was sent to Asia, presumably with a consular army of 2 legions, which was not withdrawn until the return of M'. Aquillius, consul 129, in 126. There is no evidence that legions were continuously stationed in Asia thereafter, and I assume that they were not.

In 129 Aquillius' colleague, C. Sempronius Tuditanus, fought in Illyria and triumphed in October. His army then did not long remain in being. In 126–123 the consul, L. Aurelius Orestes, governed Sardinia; he did not return to triumph until 122 and throughout these years 2 legions must have remained in the island. In 125 M. Fulvius Flaccus went to fight in Transalpine Gaul; he triumphed in 123, and in the meantime had been joined by his successor of 124, C. Sextius, who triumphed in 122; it follows that 2 legions operated in Gaul in 125, 4 in 124, and 2 in 123, assuming that Flaccus returned at the very start of that year. Sextius was replaced in 122 by the consul, Cn. Domitius, who was joined in 121 by his successor, Q. Fabius; both triumphed in 120; thus we have 2 legions in Gaul in 122, but 4 once more in 121. One of the consuls of 123, Q. Metellus, campaigned that year and the next against the Balearic pirates, presumably with Nearer Spain as his base. No other operations are recorded in 131–121, except for

[1] *B. Mith.* 35. [2] Diod. xxxiv/v. 2. 18.

the reduction of Fregellae in 125 by the praetor, Opimius, who perhaps commanded a tumultuary levy.[1]

Cisalpina may have remained a regular consular province (cf. p. 567). At any rate in 118 the consul, Q. Marcius Rex, campaigned against the Ligurians and in 115 M. Aemilius Scaurus triumphed 'de Galleis Karneis'. Elsewhere L. Metellus fought against Illyrians and Dalmatians as consul in 119 and in the next year; M. Metellus, consul 115, was in Sardinia and Corsica for four years until his triumph in 111; C. Cato incurred a defeat in Macedon in 114, and the province was then allocated to his successors, C. Metellus in 113 and M. Livius Drusus in 112. As the former did not triumph until 111 nor the latter until 110, 4 legions must have been operating in Macedon (and Thrace) in 112 at least. In 110 Drusus was replaced by the consul, M. Minucius, who triumphed in 106. From 114 to at least 107 then the strength of the army in Macedon was raised from 1 to 2 legions and in 112 to 4. In that year with 2 legions in Spain and 2 in Sardinia, Rome had at least 8 in the field. See Addenda.

The Jugurthine war began in 111. It seems that Sp. Postumius in 110 had the normal consular army of 2 legions, as his predecessor must have had (pp. 684 f.). Metellus, like Marius, probably took out a *supplementum*; Marius indeed enlisted 'a rather greater number than the senate had decreed'. This statement by Sallust may be connected with Festus' evidence that Marius brought up the normal size of the legion to 6,200 (Appendix 27). If we suppose that Metellus' two legions were 5,200 strong on paper, and had fallen to under 4,000 in the course of operations, Marius may have enlisted up to 5,000 new legionaries; the famous enrolment of proletarian volunteers was undoubtedly on quite a small scale. No garrison is attested or probable in Africa after 105 (Chapter XXV, section iii).

In these years fighting began again in Transalpine Gaul, against the Cimbri. M. Iunius Silanus, consul 109, campaigned against them in 109–108; he was replaced by L. Cassius consul 107, and by Q. Caepio, consul 106. In 105 Caepio was joined by the new consul, Cn. Mallius; they should have had 4 legions at the battle of Arausio, and the best estimate of casualties agrees with this supposition (Appendix 26). Taking into account also the armies in Macedon, Spain, and Africa, Rome had at least 8 legions under arms in 109–105.

On the news of Arausio, the consul P. Rutilius raised new legions which Marius took over in 104. It is alleged that he preferred Rutilius' better disciplined army to that which he had brought back from Africa, though it was numerically inferior.[2] This report, if correct, may be explained by assuming that Rutilius had enrolled fewer allies and perhaps that his legions were not up to the new Marian strength (*supra*); we cannot suppose that he had raised less than 2 legions, and since Marius himself had no more, he

[1] Note also alleged army in Africa in 125, p. 451. [2] Frontinus (?), *Strat.* iv. a. 2.

cannot have raised more than 2. We are surely bound to suppose that Marius took steps to increase the size of this army, partly at least by incorporating selected African veterans in Rutilius' legions.[1] We would expect that his legions were 6,200 strong. The force of 32,000 men including allies, which he is said to have commanded at Vercellae in 101, corresponds to this expectation (Appendix 26). But it seems surprisingly small. Italy was confronted by the greatest danger since the time of Hannibal, and if an army of 4 legions had been annihilated at Arausio, it seems almost incredible that Marius should have taken a smaller force into the field. The solution may be that in 101, when he came to the help of Catulus in Italy, he left 2 of his legions in Gaul, despite Plutarch's statement that he sent for his army there.[2] In that case his army in Gaul in 104–102 may have comprised 4 legions. Moreover, Italy itself cannot have been left without protection in any of these years. Catulus, consul 102, certainly had 2 legions in 101, defending north Italy, and it can be assumed that there had been a similar army there from 104, perhaps under the command of Marius' colleagues in the consulships of 104 and 103 (the latter died in office). But it seems hard to posit a total force in the Cimbric war (104–101) of over 6 legions, besides the permanent garrisons of 2 legions in Spain and 1 in Macedon. This is not all. At the time of the new slave uprising in Sicily in 104, the praetor, Licinius Nerva, probably relied on local levies,[3] but in 103 the Romans had to send out L. Lucullus, probably as propraetor, with an army plainly composed of a single legion with allied contingents, and when he and his successor, C. Servilius, failed to suppress the rebels, the consul of 101, M'. Aquillius, had to be sent evidently with an army of 2 legions; he did not return till 99, when he celebrated an ovation. In addition M. Antonius, praetor in 102, earned a triumph in 100 for successes over Cilician pirates, but it is reasonable to suppose that he had only a fleet under his command, together with troops levied locally and a small escort of Romans who must have formed his *praesidium*, when he was awaiting his triumph outside Rome in 100.

In the final decade before the Social war consular armies were in Nearer Spain from 98 to 92 or 91–0 and in Further Spain from 97 to 94 (Appendix 23). In 95 the consul, L. Crassus, had an army, presumably of 2 legions, in Cisalpina. C. Coelius Caldus, consul 94, won a victory in Transalpina in 90; he had been in charge of both Gauls, we may presume, since 93, if not since 94, and may have remained in Cisalpina until 87.[1] If Crassus' colleague, Q. Mucius Scaevola, governed Asia in that year as consul, and not earlier as praetor, we still do not need to think that he took out an army. Sulla, as propraetor in Cilicia in 96, conducted military operations in

[1] Some had been serving since 111 and must have been impatient for discharge and enjoyment of their booty, cf. p. 407 n. 3.

[2] *Mar.* 24. 2.

[3] Diod. xxxvi. 2. 6; the 'Italiotes' can be local residents.

TABLE XIII NUMBER AND DISTRIBUTION OF LEGIONS, 167–91

Notes. In default of other evidence consular armies are taken to comprise two legions and peregrine one. Numbers are placed in brackets where the existence of legions is assumed, and question marks added where the assumption is particularly precarious. It may be that there were usually 2 legions in Cisalpine throughout this period. For evidence see *MRR sub annis*.

	Spain C = Citerior U = Ulterior	Gaul and Illyria C = Cisalpina T = Transalpina I = Illyria	Macedon G = Greece	Africa	Asia	Islands	Total
167	2	4(C)					6
166	2	4(C)					6
165	2	(4)(C)					6
164	2	(4)(C)					6
163	2	(2)(C)				2 (Sard.)	6
162	2	2(C)				2 (Sard.)	6
161	2	(4)(C)					6
160	2	(2)(C)					4
159	2	2 (C)					4
158	2	(2)(C)					4
157	2	(2)(C)					4
156	2	(2)(C) 2(I)					6
155	2	2 (C) 2(I)					6
154	2	(2)(C) 2(I)					6
153	2(C) 1(C)	(2)(C)					5
152	2(C) 1(C)	(2)(C)					5
151	2(C) 1(C)	(2)(C)					5
150	2(C) 1(C)	(2)(C)					5
149	2	(2)(C)	1				9
148	2	2(?)(C)	2				10
147	2	(2)(C)	2				10
146	2	(2)(C)	2 2(C)				12
145	1(C)	(2)(C)	1 2(C)				8
144	1(C)	(2)(C)	1				6
143	2(C) 1(C) 1(C)	2 (C)	2				6
142	2(C) 1(C) 1(C)	(2)(C)	(2)				7
141	2(C) 1(C) 1(C)	(2)(C)	(2)				7
140	2(C) 1(C) 1(C)	(2)(C)	(2)				7
139	2(C) 1(C) 1(C)	(2)(C)	(2)				7
138	2(C) 1(C) 1(C)	(2)(C)	(2)			1? (Sic.)	7–8
137	2(C) 1(C) 1(C)	(2)(C)	(2)			1? (Sic.)	7–8
136	2(C) 1(C) 1(C)	2 (C)	(2)			1? (Sic.)	7–8
135	2(C) 1(C) 1(C)	2 (C) (2)(T)	1			1? (Sic.)	9–10

| Age | | |

Cappadocia, but Plutarch says that he did not take out a large force of his own but relied chiefly on allies in Asia; probably, like Antonius, he had only a personal escort of Romans.[1] There seem to have been no Roman legions in Asia or Cilicia in 88 (p. 435). Hence, except in 95 there is no evidence in these years for more than 4 or 5 legions, 1 in Macedonia and 3 or 4 in Spain. The conclusions of this section are summarized in Table XIII.

[1] *Sulla* 5. 3. For the date cf. Badian, *Studies in Greek and Roman History* 157 ff. On Scaevola's command, cf. Badian, *Athen.* xxxiv, 1956, 104 ff.; even on his view Scaevola's mission was civil and administrative; on the normal dating (for which cf. Broughton, *MRR* Supp. 42, cf. *li* p. 5 n. 2), Scaevola, being of praetorian rank, will surely have had no troops. Coelius Caldus: Badian, *Studies* 90 f.

XXIV

MEN UNDER ARMS, 90–80 B.C.

(i) *The Social War*

At the outset of the Social war Rome Probably had 7 legions with allied complements overseas including 3 in Spain (p. 431), 2 in Gaul (p. 431), and 1 in Macedon (p. 428). C. Sentius, governor of Macedon from 93 to 87, had much fighting to do there, and though he may have relied extensively on local levies, as Sulla was also obliged to do, he must initially have had a legion, and Appian's statement that there were Romans in the province when it was overrun by Mithridates can be explained by supposing that it had been depleted in his campaigns and never reinforced.[1] There is no reason to think that the Roman officials in Asia had any legions at their disposal when they began operations against Mithridates in 88; Memnon speaks of a few Roman soldiers with Manius Aquillius,[2] but they might be no more than a praetorian cohort, and though Appian distinguishes the army of C. Cassius, proconsul of Asia, from allied levies, by the latter he may mean troops provided by client princes in contrast to those levied by Cassius within the province. Appian's language also strongly suggests that Q. Oppius had no Italians under his command in Cilicia.[3] [P. Servilius Vatia, who triumphed in October 88, must surely have campaigned in Sardinia, and we should add a further legion for that province (p. 665 n 1.)]

According to Appian both Rome and the rebels in 90 raised 100,000 horse and foot.[4] The estimate may refer to field-armies alone. On the Roman side his authority might be ultimately a *senatus consultum* of the kind passed in 49, commissioning Pompey to raise 130,000 men.[5] It would then not be an estimate for the number of men Rome actually had in the field early in 90—to mobilize so many must have taken time—nor for the number eventually raised; for the initial target may have been exceeded, as the gravity of the peril became clear; Appian himself refers to the dispatch of new drafts to the front,[6] and we cannot be sure whether these made up the total fixed at first or were additional to it. It also seems likely that the total is a

[1] App. *Mith.* 35, 41 (Sulla's local levies).

[2] Jacoby no. 434, 22. 7.

[3] App. *Mith.* 11 (Cassius), 20 (Oppius), 17 (levies from client states). Rome normally had no garrison in Asia, and it needs no proof that she could not spare legions to send there from 90 to 88.

[4] App. *BC* i. 39. [5] *BC* ii. 34. [6] i. 40. 45.

translation of the number of units authorized into the number of men the units were supposed to comprise. At the beginning of 90 the senate would have ordered so many legions to be raised, along with an appropriate number of cohorts from the Latins and other faithful allies; considering that many allies were already in revolt, we might suppose that the ratio of allies to citizens envisaged (but hardly attained) did not exceed 1:1, and that the number of legions proposed initially was 10. On the other hand, since the levy was presumably tumultuary and the fighting was likely to take the form of scattered operations, the units commissioned may have been 200 cohorts, Roman and allied, and it may not have been intended that all should be organized into full legions. (For this period Appian seems to equate a cohort with 500 men.[1])

Each consul in 90 had five legates;[2] one of them, C. Perperna, is said to have commanded 10,000 men. A. von Domaszewski, reasonably regarding this as the paper strength of one legion with attendant *auxilia*, inferred that each of the legates had a force of the same size. He assumed that each consul had twice as large an army. Appian credits L. Caesar with 30,000 foot and 5,000 horse; in Domaszewski's view this army was constituted of the consul's 2 legions, a legion of one of the legates, perhaps Lentulus, and the auxiliary cohorts. The total strength of the Romans would then have been 14 legions with *auxilia*, nominally 140,000 men. As the legates were appointed at the outset of the campaign, that figure would have to represent the initial target strength, and is incompatible with Appian's estimate (as interpreted above).[3]

Domaszewski also supposed that the consular legions were, as usual, numbered I–IV, and that there were six legions in the provinces numbered V–X. Now sling-bullets found at Asculum, inscribed with the numbers of the legions that shot them, show that legions IV, IX, XI, and XV took part in the siege during 90–89;[4] Domaszewski conjectured that IX had been called south from Cisalpina, whence Rome certainly drew reinforcements. However, this affords no confirmation of his theory, which is too schematic.

Of the legates named by Appian Cn. Pompeius Strabo operated in Picenum, P. Crassus in Lucania and M. Marcellus in Samnium; all were separated from the consuls to whom they were legates. Now before the outbreak of hostilities the Romans had sent magnates to the various allied districts 'most congenial to the peoples concerned'. I suggest that Pompeius (who may already have had influence in Picenum), Crassus, and Marcellus were among these emissaries and that when the revolts began they were commissioned to recruit and command troops locally.[5] Like the officers

[1] i. 82.
[2] i. 40 *f.*
[3] i. 45, *cf.* 41; A. von Domaszewski, *SB Wien*, 1924, 22 ff.
[4] *CIL* i². 867–74.
[5] App. *BC* i. 38. Pompeius Magnus was to raise an army in Picenum 'paterni exercitus reliquiis collectis' (*B. Afr.* 22. 2), which suggests that Strabo had also recruited there.

charged with the Pompeian levy in 49, who mustered forces ranging between 6 and about 20 cohorts,[1] they will have had varied success. Even in Picenum Pompeius sustained a defeat at first, but the probably large population of Romans resident there since Flaminius' time may well have enabled him to collect a considerable force in the end; he was soon gaining substantial successes. By contrast Crassus was unable to save Grumentum, probably the centre for scattered Gracchan settlers in the Aciris valley (p. 358), and Marcellus to hold Latin Aesernia; the numerous Romans in the Volturnus valley at the head of which Aesernia stands had perhaps been called up for the consular legions. On this hypothesis each legate was in command not of a fixed number of men but of as many as he could enlist, and even if the estimate of Perperna's force is realistic, we cannot take it as typical, nor deduce the number of troops in the field from the number of legates.

The evidence of the sling-bullets shows only that by the winter of 90/89 the Romans had mobilized *at least* 15 legions, nominally about 75,000 men.

We may return to Appian's figure of 35,000 for L. Caesar's army in the south. There were other forces operating in Aesernia, Lucania, and probably Apulia (p. 438 n. 1), and when he marched into the mountain country, where he incurred a severe defeat, Caesar must surely have left troops to cover Campania and Latium. If Appian has given a realistic total for the army actually under his command in the battle, there could hardly have been less than 50,000 men engaged in the southern theatres of operations. But I cannot avoid the suspicion that Appian's figure of 30,000 foot (*a*) includes any force left to cover Campania; (*b*) merely represents 5 or more probably 6 legions (Appendix 27). Since at this stage none of the loyal allies had received the citizenship, and their troops should still have been serving in their own cohorts, this would mean that Caesar's army was substantially larger than Appian suggests. Even if the loyal allies were unable to supply more than one soldier for every two Romans, his foot should have been 45,000 strong. The 10,000 'Gauls' (presumably Transpadani) and Mauretanian foot in Caesar's army would also not be included in Appian's total.[2] This estimate gives a better ratio between infantry and cavalry. Appian allows Caesar 5,000 horse, and this may well be a realistic figure; it is excessive for the normal complement of Roman and allied horse, and must take into account the foreign auxiliaries, Numidians and Mauretanians, who are known to have been in his army earlier.[3]

[1] Caes. *BC* i. 12–18. Crassus was defeated with a loss of only 800 men and then penned in Grumentum (App. i. 41), which indicates that his force was small. I conjecture that other officers besides the legates, e.g. Ser. Galba (*Per.* Livy lxxii), the praetor, L. Postumius (ibid. lxxiii), L. Acilius, and L. Scipio (App. i. 41) had similar local tasks.

[2] App. i. 42. Plut. *Sert.* 4 attests recruiting in Cisalpina, as well as procurement of supplies (cf. Cic. *Pis.* 87). For Gauls in Social war see also Sisenna fr. 29, 72 P.

[3] App. i. 42; some Numidians deserted to the rebels.

Caesar, according to Appian, lost the greater part of his army and escaped with difficulty to Teanum (Sidicinum). Here he was quickly reinforced. As his successor in the command, Sulla was able to gain a series of victories in 89, concurrently with other Roman successes in Apulia and Lucania.[1] By the end of that year, though Nola still held out and the Samnites and Lucanians were still under arms, it was only a question of time before the subjugation of the southern rebels should have been complete. The marked contrast between the course of the war in the south in 90 and 89 seems to me to suggest that the Roman forces were stronger rather than weaker in that theatre, and that the severe losses sustained in the first year had been more than made good by subsequent recruiting. It would not be surprising if Roman forces had risen to 75,000.

So too on the northern front there was a series of defeats in 90, which reduced Marius, when he took over the command, to a Fabian strategy and probably encouraged some of the Etruscans and Umbrians to half-hearted revolts towards the end of the year; only Pompeius Strabo in Picenum had been able to go over to the offensive. But here too in 89 the Romans were uniformly victorious; indeed all the northern rebels were compelled to submit. According to Velleius at the decisive battle of Asculum Pompeius, now in supreme command, had 75,000 men.[2] Again this may be a paper figure for 15 legions, and exclude Pompeius' Gallic and Spanish auxiliaries;[3] the loyal allies, however, who had now been enfranchised, had presumably been incorporated in the legions. Pompeius had no doubt concentrated all the previously independent Roman forces in the north for the decisive battle, and since he had Spanish troopers under his command, we can suppose that he had also been joined by the legions in Spain. Domaszewski conjectured that he had also been reinforced from the south, but there is no evidence for this; it seems to me that Sulla was fully occupied, and that whereas the rebels in the south may well have sent forces to relieve Asculum, it would have been much harder for the Roman forces in the south to march through the heart of the rebel country to join Pompeius.

I am thus inclined to estimate the armies Rome had in both the southern and northern sectors at 75,000. In addition freedmen had been mobilized for coastal defence,[4] and there must have been numerous garrisons, e.g. those defending isolated Latin colonies which were never captured, Luceria, Brundisium, Beneventum, Thurii, Vibo, and Paestum.[5] Taking these into account, I would think that not less than 150,000 citizens, including new citizens, were in arms in 89. But severe losses had also been incurred,

[1] *MRR* ii. 28 f. under Ser. Galba, L. Acilius, M. Marcellus, L. Scipio, P. Crassus (90); 36 f. under C. Coscnius, T. Didius, Lucanus, and Carbo (89).
[2] ii. 24.
[3] *CIL* I² 1095 (cf. p. 437 n. 2); *ILS* 8888.
[4] App. i. 49, etc.
[5] Similarly, early in 90 there was a Roman garrison of 2,000 in Nola, App. i. 42.

by Perperna and Caesar,[1] and above all by Rutilius in 90, whose defeat at the Tolenus was remembered by Ovid, evidently as an exceptionally sanguinary disaster.[2] Orosius says that 8,000 Romans were killed in this battle, a modest reckoning;[3] in general the casualty figures for battles in this decade must often be grossly inflated (Appendix 28), and Velleius' estimate of 300,000 Italians lost on both sides in the Social war need command no credence.[4] Late sources suggest that Livy may have estimated that 50,000 were killed on each side.[5] Most of the Roman casualties were clearly incurred in 90, and even if we halve the Livian estimate for citizens killed, we are left with a total of about 175,000 who served in 90–89. The call-up of freedmen shows that Roman manpower was strained to the utmost. Certainly, we need not think that no more were called up than the 100,000 whose enlistment was ordered at the very beginning of the war. As in the struggle with Hannibal, Rome emerged victorious because of the numerical superiority she could eventually deploy.

In 90 the rebels had the initiative; they must long have prepared their plans, to take effect if Drusus' enfranchisement bill were defeated; they could mobilize first, and more completely, as the Romans and Latins were too scattered to realize their full strength at once. Hence their early successes. By 89 they were outnumbered. It is significant that at Asculum, according to Velleius, they could muster only 60,000 men, though it was vital to them to save the place. At the same time Sulla was sweeping through Samnium. We need not suppose that they too did not mobilize more than the 100,000 men whom they ordered to arms late in 91, but perhaps we should not put their forces higher than 130,000. In that case some 300,000 men were under arms in 90–89. 'Id bellum amplius CCC milia iuventutis Italicae abstulit': did Velleius mistake the number mobilized for the number killed?

In 88 we find Sulla with only 6 legions, nominally at most 36,000 men, in Campania.[6] Does this invalidate the notion that in 89 Roman forces in the south may have numbered 75,000 men? Not necessarily; the great successes in 89 should have resulted in demobilization, just as even in the

[1] Appian says that Perperna lost 4,000 men (i. 41) and that Caesar lost the greater part of his army of 35,000 (45).

[2] *Fasti* vi. 565. [3] v. 18. 11. [4] ii. 15. 2.

[5] Obsequens 57: 'centena milia hominum consumpta Italico civilique bello relata sunt'; Eutrop. v. 9 says that both wars destroyed over 150,000 men; Orosius v. 22. 2 over 150,000 citizens. If Livy wrote that 50,000 Romans and 50,000 rebels perished in the Social war, and 100,000 Romans in the second, it can be seen that all these estimates depend, more or less faithfully, on his statement. Appian i. 103 and Diodorus xxxvii. 29. 5 seem to agree on the casualties in the later civil war (100,000), though Appian's tally of consulars killed in the same passage can be accepted only if all the victims of civil strife from the time of the Marian proscriptions are reckoned in. It is very doubtful if the global casualty figures can have had any reliable basis; curiously, they are more modest than the kind of total implied by the casualties given for particular battles, cf. Appendix 28.

[6] App. i. 57. The full Marian complement of 6,000 men was seldom reached.

Hannibalic war legions were disbanded after Capua and Syracuse fell, although the danger from Hannibal persisted; in 88 there were only remnants of resistance to quell in the deep south, and Sulla's army was in fact designated for the eastern war. (Only 5 of the 6 legions were in fact sent east.) Moreover Metellus Pius still had an army in Apulia, whose size we cannot determine.[1] In the north I imagine that Sulla's colleague, Pompeius Rufus, may well have had an army equal to Sulla's.[2] Perhaps some 15 legions were still under arms in Italy, besides the Samnite and Lucanian rebels.

(ii) *87–83 B.C.*

When Cinna was expelled from Rome in 87, he proceeded to the army at Capua or rather Nola and won it over.[3] This army doubtless included the one legion which Sulla had left behind, and conceivably new legions had taken the place of those which had departed with Sulla, bringing it up to 6 legions, but we have no testimony to its size. Velleius says that Cinna levied 300 cohorts from the new citizens and formed 30 legions.[4] This is so immense a force that I incline to think that it includes not only the legions Cinna took over in Campania but the Samnite and Lucanian contingents who soon joined him and the irregular troops levied by Marius in Etruria; moreover, we are not bound to suppose that the legions were nearly full. Certainly, if Cinna had had under his command 150,000–180,000 men, it is hard to see how the senatorial armies could have withstood him as long as they did. They consisted of

(i) the army of Picenum, where the unreliable Pompeius Strabo had resumed command after the murder of Pompeius Rufus; this might have comprised 6 legions (*supra*);

(ii) the army of Metellus Pius, which not being under a consular was surely smaller, perhaps only 3 legions;

(iii) the hasty levies of the consul, Octavius, in the vicinity of Rome, plus barely 16 cohorts supplied by the defeated rebels of central Italy.

One might doubt if the number of all these troops exceeded 60,000; probably they were outnumbered by two to one.[5]

If 180,000 men were in the field in Italy, the full number of Italians under arms was over 200,000, for Sulla had 5 legions in the east, probably comprising at the start 30,000 men. With the triumph of Cinna in 86 most of the

[1] *MRR* ii. 42.

[2] App. i. 63, 66.

[3] The army was commanded by Ap. Claudius; *MRR ii.* 48 says without warrant that he was in charge of 'a legion'.

[4] ii. 20. 5.

[5] Oros. v. 19. 18 says that Pompeius' army was 'paene totus absumptus' by the loss of 11,000 men in a pestilence, Octavius losing 6,000 (cf. Licin. 21 for total loss of 17,000). If the incidence of the pestilence was the same in both armies, and if Pompeius had about 30,000 men (despite Orosius' suggestion that his army was almost annihilated), then Octavius had about 15,000. There still remain Metellus' legions.

troops in Italy were doubtless disbanded; it is not to be believed that the Samnites and Lucanians remained continuously in arms from 87 to 81 (as we are told);[1] their demands had been conceded. Only 2 legions were dispatched east under L. Flaccus in 86,[2] and perhaps as many were placed at the disposal of C. Flaccus in Gaul, whence he was to triumph in 81;[3] there was also a single legion in Spain on Sertorius' arrival there in 83 (p. 470), and it may have been sent once the civil troubles in Italy were apparently over. Perhaps no more than 10 legions were under arms (including Sulla's) by the end of 86.

In the next year, with Sulla's return in prospect, the consuls Cinna and Carbo began to enlist troops once more and to make other military preparations.[4] We also find L. Scipio conducting a campaign against Illyrians.[5] His expedition, like those of Octavian in 35 and 34, may have been partly intended to prepare the way for an attack on Sulla in the east, which Cinna was meditating in 84; we may suppose that he had 2 legions. Cinna's plan to cross to Liburnia was frustrated by mutiny and his own murder; Carbo withdrew the advance guard, and Scipio's force may also be presumed to have returned to Italy by the time the civil war began and to have been incorporated in Carbo's army in the north. It would have been prudent for Cinna and Carbo not to have attempted to assail Sulla unless they enjoyed a numerical preponderance, and like the consuls of 83 they probably raised 8 legions, perhaps excluding Scipio's; by 82 Carbo had 22 legions (*infra*), but only after further recruiting in 83. The number of legions in service was thus probably raised in 85–84 from 10 to 20, comprising perhaps 100,000 men.

(iii) *83–81 B.C.*

In 88 Sulla had 6 legions in Campania.[6] He crossed the Adriatic with only 5, evidently leaving 1 in Italy; he also had a few auxiliary cohorts and *alae*, perhaps Italians not yet incorporated in legions.[7] He returned in 83 with the same number of legions, plus 6,000 horse and some Greek and Macedonian soldiers. Velleius estimates his force at 30,000, Appian at 40,000; I conjecture that both worked with a paper strength of 6,000 *per* legion (Appendix 25), but that Appian added 10,000 provincial auxiliaries, whom Velleius forgot. In fact it seems unlikely that Sulla's legions can have been so full after several campaigns, though he may have been able to enlist some Italian residents in the east and incorporate any Italian auxiliaries he had in 88 and any survivors from Sentius' legion in Macedon (p. 429).[8]

[1] E. T. Salmon, *Athen.* xlii, 1964, 60 ff.
[2] App. *Mith.* 51.
[3] *MRR* ii. 77.
[4] App. *BC* i. 76–8.
[5] *MRR* ii. 58.
[6] App. *BC* i. 57. 253; Plut. *Sulla* 9. 5; *Mar.* 35 (35,000 men, a round figure for 6 legions at 6,000 each); Oros. v. 19. 4 wrongly gives 4 legions.
[7] App. *B. Mith.* 30.
[8] App. *BC* i. 79. 363; Vell. ii. 24. 3. If Gauls or Spaniards, the auxiliaries might have been enfranchised, cf. Cic. *Arch.* 25.

In 83 4 legions raised by the consuls went over to Sulla (*infra*), and Pompey raised 3 for him in Picenum.[1] At the end of the war he settled the soldiers of 23 legions in colonies.[2] Most of these were obviously raised during the war, especially in the winter of 83–82 when both sides were hard at work recruiting with the help of 'friendship', bribes, promises, and coercion.[3] During 82 there were also many desertions from the Marians, and they will have swollen Sulla's forces.[4] We cannot be sure that he had no more than 23 legions by the end of 82; it was clearly necessary to dispatch at least 2 legions to Spain,[5] and these should have been trained soldiers and men on whom Sulla could rely, i.e. not ex-Marians. Conceivably armies were also sent to some other provinces, e.g. Macedon or Gaul, but here ex-Marians would have served well enough. Perhaps then the maximum of Sulla's forces could be set at 25 legions. Appian supposed that the veteran colonists numbered 120,000: I have argued elsewhere that this figure is simply a paper-estimate of the strength of 23 legions and that it is too high, especially after allowance has been made for losses.[6] (The figures for Sullan casualties which have come down probably derive from Sulla's memoirs, and are ridiculously low, just as the casualty figures for Marians are doubtless much exaggerated.[7])

Sulla himself said that he had to contend with 450 enemy cohorts, i.e. nominally 225,000 men (if we adopt Appian's equation for this war of 500 to a cohort).[8] Velleius probably merely rounded this estimate down, when he gave the Marian strength as over 200,000.[9] Can the figure for cohorts be checked?

Appian says that at the beginning of 83 the consuls Scipio and Norbanus had at their disposal 200 cohorts of 500 each, i.e. 100,000 men.[10] Now Plutarch, who probably drew on Sulla's memoirs, gives Scipio 4 legions, and we may suppose that Norbanus had as many.[11] With Italians serving in the legions, an army of 4 legions corresponded roughly to the old consular army of 2 legions with allied cohorts. It would appear then that the consular

[1] App. *BC* i. 80. 366. Metellus also brought some forces, ibid. 365, cf. Plut. *Crass.* 6, and in 83 the army was already growing, ibid. 370; Plut. loc. cit.

[2] App. i. 100. 470. *Per.* Livy lxxxix gives 47 legions; this is impossible, but the suggestion of J. Carcopino, *Sylla*,[2] 1947, 213 that this is a mistake for 47,000 legionaries and that they were given land in Campania alone (where there was not room for so many), in defiance of Cic. *de leg. agr.* ii. 81, cannot be accepted; Sulla must have had more soldiers by 82, and far fewer on landing in Italy.

[3] App. *BC* i. 86. 393; Diod. xxxviii/ix. 13.

[4] App. *BC* i. 87. 398, 88. 401, 89. 409, 91. 419–20. Other Marians simply went home, 90. 415, 91. 419, 92. 426.

[5] Plut. *Sert.* 7, see p. 470. [6] App. *BC* i. 104. 489, cf. p. 305.

[7] See Appendix 28. [8] Plut. *Sulla* 27. 3. [9] ii. 24. 3.

[10] App. *BC* i. 82. 373 adding that there were more later. Florus ii. 9. 18 seems to give 8 legions + 500 cohorts; probably the first figure represents the consular army, the second all Marian forces.

[11] Plut. *Sulla* 28. 3.

army was nominally only 40,000 strong and that Appian's 200 cohorts include Marian forces which were not under the direct command of the consuls. Carbo presumably retained in the north the army raised by the consuls of 84, which may have comprised 8–10 legions. Appian's total of 20 legions could be reached, if we suppose that 2–4 legions were raised for other purposes; it may be noted that Pompey in Picenum was attacked by 3 armies (which could indeed have been detachments from Carbo's).[1] Sulla's estimate of 45 legions does not then correspond to other data for 83, but it may hold for 82, for in the winter the Marians too did much recruiting (p. 442 n. 3).

There is no coherent account of the fighting in 82, and in particular the size of armies engaged is recorded only intermittently. We hear that the younger Marius commanded 85 cohorts at Sacriportus; the remnant of this force was blockaded in Praeneste; 5 cohorts had previously deserted, and Marius therefore had had 9 legions.[2] An unsuccessful attempt to relieve Praeneste was then made by an army allegedly 70,000 strong under the command of Samnite, Lucanian, and Capuan generals.[3] Later we hear of a Lucanian legion sent north which deserted; it was presumably a detachment from this army.[4] We may infer that this largely Samnite and Lucanian army was organized in legions,[5] and that 70,000 is an unrealistic paper figure for 14 legions (*infra*). Of these one Lucanian legion deserted. The total of Marian legions engaged in the south was thus 23 at most.

The accounts of operations in the north are particularly confused.[6] Carbo was the Marian commander-in-chief, but from time to time he detached forces under other generals. Thus we first hear that Carrinas was defeated in the spring by Metellus on the Aesis. Carbo himself then took up the struggle against Metellus near Ariminum; whether Carrinas had united with him is not clear. We next hear of another victory of Metellus over 'an army of Carbo' (he seems not to have been present) from which 5 cohorts deserted.[7] Thereafter Carrinas is found operating against Pompey in Umbria, and besieged in Spoletium, while Carbo himself was engaged in indecisive operations against Sulla round Clusium and Saturnia; it must be supposed that another Marian army remained in Cisalpina. Carbo sent a force to relieve Carrinas, which was defeated, but Carrinas broke out and evidently rejoined Carbo. Up to this point we have no information on the strength of Carbo's armies, nor any indication that any legions had been totally lost. But now Carbo sent Marcius Censorinus with 8 legions to relieve Praeneste; they disintegrated, and Marcius returned with only 7 cohorts to Carbo.[8] Sulla's march south to hold off the army of Samnites,

[1] Plut. *Pomp.* 7.
[2] Plut. *Sulla* 28. 4 with App. *BC* i. 87. 398.
[3] App. *BC* i. 90. 416.
[4] Ibid. 91. 420.
[5] Some Samnites had been enrolled in Marius' legions, cf. App. i. 94. 438.
[6] See ibid. 87 ff. I give other references only where numbers are mentioned.
[7] Ibid. 88. 401.
[8] Ibid. 90. 414 f.

etc., from relieving Praeneste enabled Carbo to transfer his main forces to Cisalpina; at the battle of Faventia he lost, we are told, 10,000 killed, while 6,000 deserted to the enemy, and all but 1,000 of the remainder dispersed to their homes.[1] One would suppose that this defeated army was not less than 4 legions strong; it will appear that it was no stronger. So far Carbo had lost 10–11 legions, for the relics of the beaten armies represented little more than one legion. His forces continued to be divided between Cisalpina and Etruria. It was from Etruria that he sent L. Brutus Damasippus with 2 legions to relieve Praeneste,[2] while Plutarch attests that 5 legions were defeated near Fidentia by M. Lucullus, a battle he has misdated.[3] On hearing of this disaster (at which he was not present in person) Carbo fled from Italy. Appian states that he still had at his disposal 30,000 men, i.e. 5 or 6 legions (cf. Appendix 27), at Clusium, 2 under Damasippus (who had failed in his mission), and others, i.e. not less than 2 commanded by Marcius and Carrinas, apart from the great host of Samnites etc. who were of course in the south.[4] Now if the southern armies accounted for 23 of the 45 Marian legions, Carbo can never have had more than 22, reduced latterly to 10–11. We can explain Appian's summary of his forces at the time of his flight by supposing that the 30,000 men were the remnants of the army beaten at Fidentia, who had retired to Clusium, and that Marcius and Carrinas commanded 3 or 4 legions.

These forces, further depleted by heavy losses in an engagement near Clusium with Pompey's army (Appian i. 92), were to join the Samnites, etc., in the final dash on Rome which led to the battle of the Colline gate. According to Velleius the Samnites mustered 40,000 men,[5] an estimate that is probably more realistic than Appian's of 70,000 on the occasion of their previous, abortive march to relieve Praeneste. At that time indeed one Lucanian 'legion' had deserted, and other individual soldiers may have done likewise; no doubt the size of the southern army had been reduced. The reference to a Lucanian 'legion' shows that (as was natural) this army was organized in legions, and Appian probably gave a nominal figure for 14 legions or 140 cohorts. Velleius probably estimated the real strength of 13 legions, allowing them about 3,000 and not 5,000 each. He has not a word, however, on the presence of the northern army, which he evidently left out of his calculation. The figures given by writers in the Livian tradition, 70,000 or 80,000 (what Livy actually wrote cannot be determined), probably represent an estimate of the total Marian forces from both south and north, and suggest that the survivors of Carbo's 10–11 legions numbered 30,000–40,000 men; the lower figure seems the more credible, given the

[1] App. i. 91. 418 f.
[2] Plut. *Sulla* 27. 7; the date is assured by App. *BC* i. 92. 424 (though he puts the battle at Placentia); Vell. ii. 28. 1; *Per.* Livy lxxxviii.
[3] Ibid. 92. 423.
[4] App. i. 92. 425.
[5] ii. 27. 1.

losses and desertions already incurred. Appian estimates the fallen as 50,000 on both sides; this total may include the prisoners massacred, 8,000 (Appian), 6,000 (Plutarch), or 4,000 (Florus); Eutropius and Orosius say that 12,000 surrendered; none of these conflicting statements can be trusted (Appendix 28).[1]

It looks as if even at the last the Marians had 230 or 240 cohorts in the field, after many of their legions had been destroyed or melted away or deserted. It is quite credible that they had originally mobilized 450 cohorts. But the average strength of these cohorts may never have been 500, as Appian no doubt supposed; equally the 23 Sullan legions were probably at all times less than 5,000 strong. Commanders who raised troops hurriedly were apt to form new units which they hoped to bring up to full strength in the course of time (Appendix 27); in the conditions of 83–82 these units were flung into battle before the hopes could be realized. It would be prudent to suppose that the average cohort in this war never exceeded 400. On this basis not more than 272,000 men, mostly or all Italians,[2] were ever in the field.[3]

Demobilization must have taken place rapidly after Sulla's victory at the Colline gate, if only because of the difficulty of paying so many soldiers. The ruthlessness that Sulla displayed must have made it easier to settle his own veterans without the delays that generally occurred in making land allotments. The survivors of the Marian legions must have been glad enough to slink home unobserved. A few legions had to be retained to reduce places that still held out, Nola and Volaterrae, or to provide garrisons for the provinces. I cannot estimate their number. In the next chapter I try to determine how many were in being from 80 onwards.

[1] App. i. 93. 432; Plut. *Sulla* 29; Florus ii. 9; Oros. v. 20; Eutrop. v. 8.

[2] Transpadani (App. i. 86. 393, 92. 424) and Spaniards (89. 409) served the Marians (and sometimes deserted), and conceivably some were organized in *legiones vernaculae*; they may be included in the total of 45 Marian legions.

[3] O. Hirschfeld, *Kl. Schr.* 291 ff. suggested that Appian's figure of 120,000 for Sulla's soldiers was one of many conventional overestimates, often due to Sulla himself, with no basis in fact. I have tried to show that it is an overestimate only of the number of men who actually composed Sulla's 23 legions (cf. Appendix 27).

XXV

MEN UNDER ARMS, 79–50 B.C.

(i) *Summary*

THE following sections examine in detail the evidence for the number of legions in Italy and in those provinces in which armed forces were permanently or temporarily stationed. The results are summarized in Table XIV in which 2 *legiones vernaculae* are omitted; all the regular legions were composed of Italians, though Caesar may well have enlisted 'Latins' from Cisalpine Gaul, before they were qualified for legionary service by the Lex Roscia of 49. There are some uncertainties. It is particularly hard to determine the strength of Pompey's army in the east. Some of the figures for Spain, Gaul, and Macedon are minima. I feel confident, however, that there were no legions in Africa in these years, nor except in the Mithridatic war in Bithynia. (Contrary to general belief, it can be demonstrated that M. Aurelius Cotta had 3 legions there in 74–71.)

After Marius the nominal strength of a legion was 6,200 men. Our authorities sometimes assume that legions were at full strength; sometimes they estimate 5,000 per legion. The lower figure may be a more realistic assessment of the numbers even of legions which had just been formed. Both estimates are too high for those which had been long in service. In order to convert the number of legions into the number of legionaries, it is prudent to assume that on average legions comprised only 4,000 soldiers.[1]

Since the Social war the Italians had become citizens and the legions were no longer accompanied by contingents of Italian allies; we do not even hear that the 'Latins' of Cisalpina had to supply cohorts and *alae*. The new citizens now served in the legions. Before Marius an army comprising 2 legions, if at full strength, numbered 20,000–30,000 men, as the allies furnished 1 or 2 soldiers for every Roman. An army of 2 legions now comprised at most 12,000. Hence, consulars often command 3 or more legions. Obviously a simple comparison of the number of legions in service in, say, 168 and 68 is totally misleading. In order to determine the true military strength and the demands made on manpower in the second century we have to multiply the number of legionaries by 2 or 3; in the first century we have only to estimate the number of legionaries.

Table XIV then shows that early in 78 there were some 50,000–60,000 men in arms, in 77 about 150,000, from 77 to 71 numbers varying from

[1] Appendix 27.

100,000 to 150,000 (counting the Italians with Perperna but not Sertorius' native troops), that demobilization in 70 reduced the figure to 70,000, that from 67 it rose again to a peak in 63 of 100,000 or more, and then declined to about 60,000 until the middle and late 50s, when the Gallic and Parthian wars brought it up to 80,000–90,000. The average over 30 years was 90,000. Italy had to furnish no more soldiers than in the quieter years of the second century. Even so, as shown in Chapter XXII, conscription remained the normal method of recruitment, although the burden was now distributed among all classes, or perhaps borne disproportionately by the poor, who could least easily escape the recruiting officers.

In 67, after a long interval, Rome again required ships of her own. Pompey was authorized to put 500 into service.[1] His command extended throughout the Mediterranean, and many squadrons were not based on Italy; nor do we know that he found it necessary to fit so many ships for service; certainly he did not raise 120,000 foot and 4,000 horse, as the law authorized. The squadron with which he personally swept the western Mediterranean and set sail for the east was of only 60 sail.[2] How was it manned? We do not know. The crews need not all have been drawn from Italy; we hear of conscription of rowers in Transalpine Gaul.[3] To judge from the little evidence we have for the crews of fleets in the civil wars,[4] the rowers might have been mainly slaves or freedmen, in so far as they were not provincials. It is probably unnecessary to suppose that this short-lived naval effort imposed any additional burden of significance on Italian manpower.

The computation of the number of legions made on the basis of an examination of evidence for each area of the empire cannot be checked from the little that is known of the numeration of legions in the late Republic. Under the Principate we find that numbers given to legions were consecutive, except (i) that there may be vacancies in the sequence; when a legion with a particular number disappears and another is formed, it need not bear the missing number; (ii) a number may be duplicated or triplicated. Presumably the latter practice could have originated in the civil wars; after 49 different generals might each have, for instance, a *legio III*. We do not know how far back both practices went. Thus the fact that a centurion served in XVIII under Lentulus Spinther either in Spain in 59 or in Cilicia in 56–54, before serving under Pompey in II,[5] would not tell us, even if we could be sure when or where he served under Spinther or how long XVIII had existed at the time, that XVIII had been raised when there

[1] App. *Mithr.* 94. See Kromayer 429; J. van Ooteghem, *Pompée le Grand*, 1954, 172 ff. for full evidence.

[2] Plut. *Pomp.* 26. 6.

[3] Dio xxxvi. 37. 2. Naturally there were soldiers on Pompey's ships, but they could have been drawn from his legions.

[4] Chapter XXVI, section vii.

[5] *ILS* 2224.

were 17 legions in being with lower numbers. Again, in 58 Caesar took over legions VII–X and later formed XI–XV and VI; we cannot be certain that there were no other legions elsewhere bearing the same numbers; if there were not other legions numbered XI–XV, it must have been because these numbers had not been replaced when the legions that bore them (e.g. Pompey's in the east) were discharged; there were certainly more than 10 legions under arms in 58, and more than 15 in 54.[1]

(ii) *Italy*

In 78 the consuls M. Lepidus and Q. Catulus were ordered to proceed with armies to Etruria to suppress an *émeute* there; it seems that Lepidus threw in his hand with the anti-Sullan insurgents and thus mustered what the unreliable Exsuperantius describes as 'ingentem exercitum', drawn no doubt largely from Marian veterans.[2] Lepidus had been allotted as a province Cisalpine and Transalpine Gaul[3] and was entitled to an army; but he had presumably raised far more than the authorized number of troops, and an enemy could speak of his 'exercitum privato consilio paratum'.[4] In 77 he marched on Rome, but the city was successfully defended by Catulus with a 'new army', apparently composed of Sullan veteran colonists.[5] In the meantime M. Brutus, who commanded Lepidus' army in Cisalpina, was forced to surrender by Pompey, presumably as legate.[6] Pompey joined Catulus in forcing Lepidus to evacuate Italy and sail for Sardinia, where he soon died.[7] Here, according to Appian, his army dispersed, but the 'best part' of it was taken by M. Perperna to join Sertorius in Spain. Sallust states that Lepidus was driven out of Italy with all his forces, Plutarch that Perperna had 53 cohorts, or rather over 5 legions.[8] Lepidus' army must originally have been larger, say 6 legions at least. But Catulus' forces must have been by themselves somewhat superior, perhaps in discipline rather than in numbers; we might guess that he had not less than 6 legions. Pompey probably had a much larger force than Brutus. Plutarch says that after Lepidus' defeat he refused to disband it.[9] It seems likely then that it formed the nucleus of the army he took to Spain later in 77. This consisted of 5 or 6 legions (p. 471). Sallust makes him claim that

[1] See further Harmand 231 ff., citing other views. A. von Domaszewski supposed that the first four numbers were not in use, since they were properly reserved to legions under the command of consuls, and consuls were not permitted to command legions in the post-Sullan system. The second premiss was refuted by J. P. V. D. Balsdon, *JRS* xxix, 1939, 57 ff. (not cited by Harmand).

[2] Exsup. 3. 22; cf. Licin. 34 F.; Sall. *Hist.* i. 65–9, 77. 8, etc.

[3] Appian *BC* i. 107. I do not agree with J. Carcopino, *Hist. Rom.* ii². 536 n. 43 that it follows from Plut. *Pomp.* 16 and *Per.* Liv. xc that Appian has confused Transalpina with Cisalpina. I agree with E. Badian (*Foreign Clientelae* 275 f.; *Provincia Gallia* 910) that like C. Piso and Caesar he had both Gauls.

[4] Sall. *Hist.* i. 77. 4, 7 and 22.

[5] Ibid. 21.

[6] Plut. *Pomp.* 5; cf. E. Badian, *Provincia Gallia* 910.

[7] App. and Plut., ll.cc.

[8] Sall. *Hist.* i. 84; Plut. *Sert.* 15.

[9] *Pomp.* 17.

he had raised his Spanish army in 40 days.[1] This may refer in fact to its mobilization against Brutus; alternatively he raised his legions to full strength within this period, after Lepidus had been defeated. We might allow Brutus 3 legions.

TABLE XIV

NUMBER AND DISTRIBUTION OF LEGIONS, 80–50

Figures which are certain are italicized. 'Vernacular' legions are omitted.

	Spain (Cit. and Ult.)	Gaul (Cis. and Trans.)	Italy	Macedon	The East			Total
					Asia	Cilicia	Pirates and Crete	
80	*4*	*4*	..	*3*	*2*	..		*13*
79	*6*	*4*	..	*3*	*2*	..	..	*15*
78	*6*	*4*	*c.20*[b]	*3*	*2*	*2*	..	*c.* 37
77	11–12 (+5)[a]	*4*	*c.20*[b]	*3*	*2*	*2*	..	22–23 (+5)[a]
76	11–12 (+5)[a]	*4*	..	*3*	*2*	*2*	..	22–23 (+5)[a]
75	11–12 (+5)[a]	*4*	..	*3*	*2*	*2*	..	24–25 (+5)[a]
					Mithr. War			
74	13–14 (+5)[a]	*4*	..	*4*	*8*		..[c]	29–30 (+5)[a]
73	13–14 (+5)[a]	*4*	*4*[d]	*4*	*8*		..[c]	33–34 (+5)[a]
72	13–14 (+5)[a]	*4*	*10*	*4*	*8*		..[c]	39–40 (+5)[a]
71	13–14	*4*	*10*	*4*	*8*		..[c]	39–40
70	*4*	*4*	..	*2*	*8*		..	18
69	*4*	*4*	..	*2*	*8*		..	18
68	*4*	*4*	..	*2*	*8*		*3*	21
67	*4*	*4*	..	*2*	*12*[e]		*6*[f]	27
					Pompey's Army[g]			
66	*4*	*4*	..	*2*	*12*		*3*	25
65	*4*	*4*	..	*2*	*12*		*3*	25
64	*4*	*4*	..	*3*	*12*		..	23
63	*4*	*4*	*2–4* (+*2*)[h]	*3*	*12*		..	28–29 (+*2*)[h]
62	*4*	*4*	..	*3*	*12*		..	23
					Cilicia		Syria	
61	*4*	*4*	..	*3*	*2*		*2*	15
60	*4*	*4*	..	*2*	*2*		*2*	15
59	*4*	*4*	..	*2*	*2*		*2*	15
58	*4*	*6*	..	*2*	*2*		*2*	17
57	*4*	*8*	..	*3*	*2*		*2–4*	19–21
56	*4*	*8*	..	*3*	*2*		*2–4*	19–21
55	*4*	*8½*	..	*3*	*2*		*2–4*	19½–21½
54	*4*	*7*	..	..	*2*		*8*	21
53	*4*	*10*	..	..	*2*		*8*	24
52	*6*	*10*	..[i]	..	*2*		*2*	20[j]
51	*6*	*12*	..	..	*2*		*2*	22
50	*6*	*9*	..	..	*2*		*2*	21

Notes to Table XIV

[a]. The 5 legions are those under Perperna.

[b]. The *c.* 20 legions shown in this column under 78 were still operating there in part of 77; 5–6 under Pompey and 5 under Perperna then went to Spain, the rest disbanded.

[c]. Assuming that M. Antonius Creticus had no legions.

[d]. Assuming that the consular armies of 72 were raised late this year.

[e]. Including 3 legions under Q. Marcius Rex.

[f]. 3 (as in 68 and 66–65) under Metellus Creticus; it is assumed that Pompey organized only 3 new legions, though numerous *cohortes* were doubtless enrolled as local 'praesidia' in 67 and soon disbanded thereafter.

[g]. Assuming that Pompey took over all legions in the east shown under 67, except those under Metellus Creticus, but that he distributed the men from the 2 discharged Fimbrian legions among other units.

[h]. 2 legions of Catiline. All these legions were still operating in Italy early in 62.

[i]. Forces raised in Italy by Pompey to cope with the crisis that followed the death of Clodius are not included; probably they were soon discharged or sent to Spain

[1] *Hist.* ii. 98. 4.

These data are clearly insufficient to permit an exact estimate of the number of legions in Italy and Cisalpina during 78–77; but it would not be surprising if they amounted to 20. Most of the troops on both sides had probably served in the recent civil wars, and except for those which remained under the command of Perperna or Pompey, they were probably discharged after Lepidus left Italy.

Spartacus' revolt necessitated new levies in Italy in 73. In that year the slaves defeated C. Claudius Glaber with 3,000 men,[1] Varinius with 2,000 men, and Cossinius with a large force;[2] Appian indicates that these were all tumultuary levies.[3] In 72 the consuls appeared in the field, not with 2 legions (as Appian says), but with 2 apiece.[4] They too were separately beaten. Defeats of Cn. Manlius and Q. Arrius are also recorded; it can hardly be determined whether they had independent armies, or commanded divisions of the consular forces[5] or local militia. Spartacus inflicted yet another defeat on C. Cassius in Cisalpine Gaul, whose army, given as 10,000 strong, must have been composed of 2 legions, constituting the garrison of the province.[6] Crassus was then appointed to the command in Italy. Appian asserts that he had 6 new legions and also took over those previously under the command of the consuls; we must again substitute 4 for 2.[7] His campaign began with yet another servile victory, secured over Mummius with 2 legions of Crassus' army; it was a cohort of Mummius' force that Crassus decimated, according to Plutarch, whose account can be reconciled with Appian's statement that he imposed this punishment on the consular army, only if we assume that Mummius had taken over two of the consular legions.[8] Livy tells that in a victory over the insurgents Crassus recovered 5 legionary eagles.[9] The 5 legions concerned may perhaps be identified with 5 of those commanded by the consuls and Cassius. It is to be presumed that Crassus was given control of all legions employed in the war. The total number outside Cisalpina raised by the end of the war was 10. These legions were doubtless disbanded after the consular elections for 70 and the triumph and ovation accorded to Pompey and Crassus respectively.[10]

Troops were once more raised in Italy at the time of Catiline's insurrection. Catiline himself is said by Sallust to have recruited 2 full legions, though only a quarter of his men were properly armed, by Appian to have mustered 20,000 men; if we consider the determined courage with which they fought, Dio's estimate of 3,000 dead supports the lower figure, which is to be preferred.[11] Antonius had a large army, partly composed of veteran

[1] Plut. *Crass.* 9. 1, cf. 'aliquot cohortes', Front. *Strat.* i. 5. 21.
[2] Plut. *Crass.* 9. 4, cf. Sall. *Hist.* iii. 96 C; 98 B.
[3] *BC* i. 116.
[4] *MRR* ii. 116 f. gives evidence.
[5] i. 118.
[6] Ibid. 117, but see Gabba, ad loc.
[7] Plut. *Crass.* 9. 7.
[8] Plut. *Crass.* 10. 1–2.
[9] *ap.* Front. *Strat.* ii. 5. 34.
[10] App. *BC* i. 121.
[11] Sall. *Cat.* 56. 1–3, cf. 60; App. *BC* ii. 7; Dio xxxvii. 40. 1.

cohorts 'quas tumulti causa conscripserat';[1] it was surely superior to Catiline's, but its size is not attested; I conjecture 3 or 4 legions. The 3 legions under Metellus Celer I take to be the garrison of Cisalpina, supplemented by new levies (section v(*a*)). The various officers sent to many parts of Italy, to repress local risings, viz. Q. Pompeius Rufus, P. Sestius, Q. Metellus Creticus, Q. Marcius Rex, M. Bibulus, and Q. Cicero may also have recruited soldiers 'tumulti causa'.[2] Apart from the Cisalpine legions and any troops under his command whom Antonius took with him to Macedon, these forces were all presumably disbanded in 62.

On Clodius' death in 52 Pompey was commissioned to hold a levy throughout Italy,[3] and it was probably then that he called to the colours 30,000 men (5 or 6 legions), whom he hoped that he could remobilize quickly in 49; it is clear, however, that they were discharged in the interim, and that enlistments only began again late in 50.[4] At the beginning of 49 Domitius Ahenobarbus left Rome for the north with only 4,000 men.[5]

(iii) *Africa*

We should not expect the Republican government to have normally stationed any troops here. The client kingdom of Numidia could protect the province against barbarian raids. Clearly, no legions were present in Africa on the eve of the war with Jugurtha. It is therefore surprising that Orosius[6] tells that in 125 two-thirds of an army of 30,000 men were carried off by pestilence near Utica. This might suggest the presence of 2 legions with allied contingents (pp. 684 ff.), for which our admittedly defective evidence suggests no explanation. In 86 or 85 the refugee optimate general, Metellus Pius, was able to gain control of Africa, where he was joined by the young M. Crassus with another small force; but he was expelled by the Marian Fabius Hadrianus.[7] Hadrianus may have raised forces from the local inhabitants, including the descendants of the Gracchan colonists. His force was perhaps the nucleus of that which Cn. Domitius Ahenobarbus commanded in the later fighting with Pompey.[8] Domitius was clearly inferior to Pompey, who had 6 'complete' legions; Plutarch gives the Marian strength as 20,000; the latter figure probably includes the levies of his Numidian allies.[9] After his victory, Pompey was ordered by Sulla to leave

[1] Sall. *Cat.* 57. 4, 59. 5. The veterans would be mainly from the Sertorian and Macedonian wars of the 70s.

[2] *MRR* ii. 166, 168 f., 173. Metellus and Marcius were awaiting triumphs and must have had some troops brought back from their eastern provinces.

[3] Cic. *Mil.* 67 f.; Caes. *BG* vii. 1; Ascon. 34 C.; Dio xl. 50.

[4] Plut. *Pomp.* 60. 4; *Ant.* 5; App. *BC* ii. 32.

[5] v. 11. 4 cf. Aug. *de civ. Dei* iii. 31.

[6] *MRR* ii. 54. 64; Suppl. 11.

[7] *MRR* ii. 69. I do not believe that there were Marian colonists in Africa, see Appendix 12.

[8] Plut. *Pomp.* 11. 2, 12. 3.

[9] Plut. *Pomp.* 13. 1.

one legion in Africa and discharge the rest; in fact he seems to have brought all of them back with him to Italy for his triumph. Stéphan Gsell inferred that the garrison in time of peace was one legion.[1] Gsell discovered this garrison again in 49 B.C. in the legion under C. Considius at Hadrumetum, which could not be one of the two raised in the province by Attius Varus, since Varus himself had more than one legion in Utica at the very same time that Considius was stationed in Hadrumetum.[2] But Sulla's unfulfilled intention to leave a legion in Africa says nothing for subsequent practice, and Caesar expressly says of Varus that '(Africam) *vacuam* occupaverat dilectuque habito duas legiones effecerat'; these words rather suggest that before his arrival there were no legions in the province.[3] In that case Considius, himself like Varus a former governor, must be supposed to have raised a third legion locally. Other peaceful provinces, such as Sicily and Asia, normally had no garrisons, and I have assumed that Africa had none.

(iv) *The East*

(*a*) *84–74* B.C. On the outbreak of war with Mithridates in 74[4] both consuls, L. Lucullus and M. Cotta, were sent east 'ut alter (Lucullus) Mithridaten persequeretur, alter (Cotta) Bithyniam tueretur'.[5] Lucullus was given Cilicia as a province on the decease of the proconsul, Octavius, and it was doubtless the original plan that he should attack Mithridates from the south,[6] a danger against which the king took precautions;[7] but Mithridates' offensive led Lucullus to make Asia his base, and it may be assumed that this province was also assigned to him.[8] On his arrival there he found himself in command of 5 legions, viz. 1 which he had brought with him, the 2 'Fimbrian' or 'Valerian' legions, which had served under L. Valerius Flaccus (consul 86) and Flavius Fimbria, and which had remained in Asia ever since 85, and 2 others.[9] The last had served under P. Servilius in Cilicia in 78–75; as a consular Servilius should have had at least two legions. Lucullus should have taken them over with the province of Cilicia (though his first step was apparently to order them into Asia); moreover, Porphyrio refers to 'Luculli miles Valerianus et Servilianus exercitus'.[10] Thus before 74 there had been 2 legions in Asia and at least 2 in Cilicia. Servilius might have had a larger army, and left only 2 legions on his departure.

[1] S. Gsell, *Hist. Anc. de l'Afrique du Nord* vii, 1928, 32.
[2] Caes. *BC* ii. 23. 4, cf. i. 31; ii. 27. 3.
[3] *BC* i. 31.
[4] For chronology see *MRR* ii. 106 ff.
[5] Cic. *Mur.* 33.
[6] Plut. *Luc.* 6.
[7] Memnon (Jacoby, no. 434) 37.
[8] *MRR* ii. 108.
[9] App. *Mith.* 72; Plut. *Luc.* 7. 1. See p. 441 n. 2.
[10] *ad* Hor. *Ep.* ii. 2. 26.

(*b*) *The Legions of Lucullus and Cotta.* For the invasion and occupation of Pontus in 73–71 Lucullus continued to employ 5 legions.[1] Appian gives a conventional estimate of their numbers of 30,000, and Plutarch's statement that he requisitioned 30,000 Galatians to carry food for the soldiers can be taken as confirmation of the number of his legions.[2] In reality the legions must have been much weaker, as 4 had been in service for many years.

In 71–70 Lucullus was back in Asia. Plutarch's statement that in 70 he 'picked up' his soldiers on his return to Pontus before besieging Sinope suggests that the legions remained in Pontus throughout.[3] However, when he invaded Armenia in 69, his army seems to have consisted of less than 5 legions. Appian states that he marched with only 2 picked legions and 500 horse;[4] Plutarch allows him 12,000 foot and under 3,000 horse,[5] and since 6,000 is a conventional figure for the strength of a legion, he may be taken as agreeing with Appian at least on the numbers of the infantry; as to the cavalry, it is conceivable that he included provincials and that Appian excluded them. Plutarch adds that he left Sornatius with 6,000 men, i.e. another legion, to protect Pontus. Of Lucullus' legions 2 are thus not accounted for. However, at the time of the siege of Tigranocerta, Plutarch tells that Lucullus left Murena with 6,000 foot, i.e. 1 legion, to maintain the investment of the city, while marching himself to meet Tigranes' relieving army with 24 cohorts, comprising not more than 10,000 men, together with about 1,000 cavalry. Eutropius (vi. 9) and Festus (*Brev.* 15. 3) also give his strength either in the battle or in the campaign as 18,000, and Frontinus as not more than 15,000 in the battle.[6] Now 24 cohorts represent 2 legions and part of a third; we can readily assume that 6 cohorts with some of the 3,000 cavalry were engaged in protecting lines of communication. The nominal strength of 24 cohorts was 14,400 men; hence Frontinus' estimate. The figure in Eutropius and Festus is probably based on the false supposition that Lucullus had 3 full legions in the battle. In fact, of course, even the 24 cohorts present must have been below strength, and Plutarch attempts a more realistic estimate of their numbers, though retaining a conventional figure for Murena's legion. It thus appears that Lucullus had 4 legions with him on his Armenian campaigns, his 5th remaining in Pontus under Sornatius. Presumably his army began its march into Armenia in two divisions, and both Appian and Plutarch, when giving its initial strength, mentioned only the size of the division that took the van under Lucullus himself. This reconstruction makes better sense of the variants than that proposed by Rice Holmes.[7] Lucullus' expeditionary force certainly included the 2 'Fimbrian' or 'Valerian' legions, whose mutinous conduct hampered

[1] Phlegon, *FGH*, no. 257, F 12. 3.
[2] *Mith.* 72; Plut. *Luc.* 14. 1.
[3] *Luc.* 23. 2.
[4] *Mith.* 84.
[5] *Luc.* 24. 1.
[6] *Strat.* ii. 1. 14.
[7] i. 408. Harmand 53 n. 187, 325 n. 17 fails to see the truth.

him from 68 B.C. onwards,[1] and probably the 2 veteran Cilician legions; it would have been natural if he had left his legion of recruits in Pontus.

While Lucullus was still in the heart of Armenia in 68, Mithridates reappeared in Pontus, defeated the Roman general, Fabius Hadrianus, and retired only on the arrival of another Roman force under Valerius Triarius;[2] in 67, before Lucullus arrived on the scene, he defeated Triarius in a battle in which 7,000 Romans, including 150 centurions and 24 tribunes, are said to have fallen.[3] The number of tribunes killed, which is surely no fabrication, implies an army of 4 legions, even on the assumption that there were no survivors of this rank. Since Lucullus had left but one legion in Pontus, we must ask whence this larger force had appeared. We must return to the operations of 74–71.

Lucullus' consular colleague, Cotta, had been entrusted with the defence of Bithynia. Plutarch mentions only that he had ships under his command.[4] But it is unlikely that a consul was dispatched to a province threatened with invasion, or already invaded, without at least the normal consular army of 2 legions, and perhaps more. Cotta was defeated by Mithridates both by land and sea at Chalcedon; his losses on land alone are given by Memnon as 5,300 and by Plutarch as 4,000, and though then, as later, he doubtless had local levies in his army, Memnon speaks specifically of 'Italians'.[5] Considering that Mithridates enjoyed enormous numerical superiority (even though it is exaggerated in our sources), that Cotta was an incapable general and that any legionaries he had would have been raw recruits, we do not need to explain his defeat at Chalcedon or his inability to take any further part in the campaign of 74 by assuming that his land-force was 'tiny'.[6] In 73 it was agreed that Lucullus should pursue Mithridates into Pontus with 'the greatest force', while Cotta besieged Heraclea. This shows only that Cotta had less than Lucullus' 5 legions. But Memnon's reference to the 'Roman legions' under his command also proves that he had more than one legion. Now before Asia was assigned to him, Lucullus should originally have had 3 (the 2 in Cilicia and the new legion he raised), and two other consuls of this period, Metellus Creticus and Marcius Rex, went out to the east with 3 (p. 455); similarly we find 3 in Cisalpina (p. 465). There is no intrinsic difficulty in supposing that Cotta had as many. When he took Heraclea in 71, he disbanded his provincial levies and sent on the (Roman) horse and foot to Lucullus, presumably under instructions from Rome, where his *imperium* had not been prorogued.[7] If his army consisted

[1] Plut. *Luc.* 34. 3, cf. 30. 4, 32. 2–3, 33. 3–5; *Per.* Livy xcviii; Cic. *de imp. Cn. Pomp.* 23 f.; Dio xxxvi. 14. 3.

[2] *MRR* ii. 140 f.

[3] Plut. *Luc.* 35. 2, cf. App. *Mith.* 85, Harmand 341 f., Caes. *BG* vii. 51 for disproportionately heavy loss of centurions.

[4] Plut. *Luc.* 6. 5.

[5] Memnon 49, 52; Plut. *Luc.* 8. 2.

[6] D. Magie, *Roman Rule in Asia Minor* i. 325.

[7] Memnon 36, 43, 47.

of 3 legions, we can now see how it was that Triarius had 4 in 67, the 4th being that which Lucullus had left in Pontus. Triarius himself had been associated till 71 with Cotta's operations and was probably his legate. Of course this hypothesis means that Plutarch (*supra*) in mentioning only Sornatius' legion in Pontus has ignored the former legions of Cotta, which must already have come up.

I conclude then that in 74 the consuls held the traditional levy of 4 new legions, of which 3 were allocated to Cotta and only 1 to Lucullus, because it was envisaged that Lucullus would also take over the 2 already in Cilicia. In the event he also commanded the 2 Fimbrian legions. During the period 74–68 the strength of the Roman armies in Asia Minor was thus 8, as against at least 4 during 78–75.

(*c*) *68–67 B.C.* In 68 Cilicia, like Asia in 69, was withdrawn from Lucullus' command and assigned to the consul, Q. Marcius Rex, who arrived in 67 with 3 legions,[1] but remained in his province, refusing aid to Lucullus.[2] In 67 a law moved by Gabinius transferred Bithynia-Pontus and the conduct of the war to the consul of that year, M'. Acilius Glabrio, and authorized the discharge of the Fimbrian legions;[3] though the latter consented to remain with the colours during the summer of 67,[4] it would seem that they then disbanded, and joined up once more, perhaps individually rather than as units, when Pompey replaced Lucullus.[5]

(*d*) *Pirate Wars.* I can discover no evidence that M. Antonius, who was given *imperium infinitum* to combat the pirates in 74 and died in 71 after ineffectual operations in Crete, had any legionary force.[6] The war he provoked there, however, led to the dispatch of Q. Metellus Creticus, consul in 69; he had 3 legions,[7] which were in service *c.* 68–66 and did not come under Pompey's command in 67. Phlegon's language suggests that Metellus brought the legions out with him and did not take over legions previously under Antonius. We do not know when Metellus left Crete. His triumph was delayed till May 62[8] but he was already in Italy in the autumn of 63[9] and perhaps much earlier. According to Appian, the Lex Manilia in 66 conferred on Pompey command of all armies outside Italy; this is restricted by M. Gelzer to all armies beyond the Adriatic. On this view Metellus' legions should in 66 have been transferred to Pompey by his proclamation

[1] Dio xxxvi. 2. 15. 1; Sall. *Hist.* v. 14.
[2] Dio xxxvi. 17, cf. Sall. *Hist.* v. 14 f.
[3] Dio xxxvi. 14. 4; Sall. v. 13; Cic. *de imp. Cn. Pomp.* 5, 26; App. *Mith.* 90; Plut. *Luc.* 35. 3.
[4] Plut. *Luc.* 35. 4 ff.
[5] Ibid. 35. 7; *Pomp.* 31. 1; Dio xxxvi. 16. 3. Appian's statement (*Mith.* 90) that the discharge of the whole army was authorized and took place is refuted by Cic. *de imp.* 26; Dio xxxvi. 3 fails to note that the Fimbrians remained under arms throughout summer 67. Glabrio never took command of this depleted army, despite Cic. *de imp.* 26; Pompey took it over from Lucullus, Plut. *Luc.* 36; *Pomp.* 31.
[6] *MRR* ii. 101, 123.
[7] Phlegon, *FGH* no. 257, F. 12. 12.
[8] *MRR* ii. 176.
[9] Sall. *Cat.* 30. 3.

summoning soldiers 'everywhere' to his standards.[1] But Appian has certainly overstated Pompey's powers (as Gelzer shows) and I doubt if Metellus permitted this transfer; these legions may have returned to Italy and been disbanded *c.* 65. This hypothesis fits what we can learn of Pompey's army (see (*e*) below).

The Lex Gabinia of 67 entrusted Pompey with the command against the pirates for a period, according to Dio, of 3 years.[2] Appian says that he was authorized to conscribe provincials (presumably for his fleets) and to hold a levy of citizens; he gives the numbers actually raised as 120,000 foot and 4,000 horse.[3] Plutarch agrees on the first figure, but states the number of cavalry as 5,000, and of ships as 500 against Appian's 270.[4] All these figures may be doubted. The law was passed early in 67. According to Cicero Pompey visited Sicily before the regular opening of the sailing season, went thence to Africa and Sardinia with his fleet and returned to Italy after providing for the defence of the Spanish and Gallic coasts and after dispatching squadrons to the coasts of Illyricum and Greece.[5] We are told that he swept the western waters of the Mediterranean in 40 days, presumably in March and April. He must have tarried some time in Italy to organize the squadrons and coastguards which controlled the Tuscan and Adriatic seas and shores. He then set sail from Brundisium and pacified Cilicia in 49 days thereafter; Cicero adds: 'bellum . . . Cn. Pompeius extrema hieme apparavit, ineunte vere suscepit, media aestate confecit'; the operations should then have been over by about July. Within so short a time he could not have levied the huge forces of which Appian and Plutarch tell. Nor were they required. Until he had reached Cilicia and defeated the pirate fleet at Coracesium, he had no need of land forces, except in the form of scattered coastal garrisons; he protected Spain and Gaul 'praesidiis ac navibus' and the Italian coasts 'maximis classibus firmissimisque praesidiis'.[6] It must, however, be remembered that the astounding speed of his operations was not to be predicted. His command had been conferred for 3 years. A protracted war was expected. Dio says that he was authorized to take all the men, money, and ships he might want. That is not to be believed.[7] On one point it is even contradicted by Appian, who says that he was voted not an unlimited sum but 6,000 talents.[8] It is no less probable that a maximum for men and ships was also fixed, and that both Appian and Plutarch have confused the numbers he was authorized to take with the numbers he actually employed. The law is said to have given him 24 or 25 legates.[9] But only 14 are attested.[10] Pompey probably did not appoint, or did not use, all

[1] App. *Mith.* 97; Plut. *Pomp.* 31. 1. See M. Gelzer, *Pompeius*, 1949, 89.
[2] xxxvi. 23. 4, 37. 1. [3] *Mith.* 94.
[4] *Pomp.* 26. [5] *de imp.* 34 f.
[6] Cic. loc. cit.; Plut. *Pomp.* 26. 4; App. *Mith.* 95. *Per.* Livy xcix; Vell. ii. 32. 4.
[7] xxxvi. 37. 1. [8] *Mith.* 94. [9] See nn. 3 and 4 above.
[10] Cf. *MRR* iii. 148–9; I exclude from Broughton's list A. Manlius Torquatus, since in

the legates to whom he was entitled. Just so, he did not need or recruit all the forces voted to him. Further, the figure of 120,000 'foot' might well include rowers. (I cannot explain Appian's discrepancies from Plutarch.)

It is thus impossible to say how many legionaries were raised for the pirate war in 67. Citizens levied for service in the west were doubtless enrolled in scattered cohorts to act as coastal *praesidia* and were probably soon disbanded. But some forces were sent east, and incorporated in legions. The legate whom Pompey sent to intervene in Crete, Octavius, at first had no army but was later able to call on the army formerly under the command of L. Sisenna, Pompey's deceased legate in Greece.[1] We might perhaps allow Sisenna a legion. The subsequent history of this putative legion is, however, unknown; and conceivably Sisenna merely had local levies at his disposal. Pompey himself, indeed, certainly had an army consisting of more than one legion, which wintered in Asia during 67–66;[2] part had no doubt arrived in Cilicia in the summer, to take the pirate strongholds. We happen to know of a legionary tribune who served in the pirate war.[3] But the strength of Pompey's own army in the east at this time can be assessed, only if we can determine the size of the army Pompey commanded in and after 66. This is very hard.

(*e*) *Pompey's Army, 66–62 B.C.* Under the Lex Manilia Pompey received not only the command against Mithridates but the provinces of Bithynia and Cilicia; both Glabrio and Marcius Rex were superseded.[4] He marched into Galatia with his own forces and there took over the troops still under Lucullus' own command, except for 1,600 men who were to follow in Lucullus' triumph; such was the 'whole army of Lucullus' which backed Murena's candidature in 63![5] It was here that he re-enlisted the 'Fimbrians'.[6] Lucullus had retained the remnants of 8 legions, the survivors of endless marching in hard country and of Triarius' bloody defeat. Of these the 2 Fimbrian legions had been formally disbanded. They must previously have been much below strength, and their mutinous conduct would have made it natural prudence for Pompey to have dispersed them among other units; in 49 we know that he consolidated 2 weak legions into a single legion.[7] Pompey had already summoned the soldiers 'everywhere' to join him. It seems likely that Glabrio had some soldiers, even though Cicero

my judgement there is no reason why L. Torquatus, attested as 'legate and proconsul [*sic*]' at Miletus (ibid. 151 n. 16), should not be identical with the Torquatus in charge of Spanish waters; he could well have proceeded to the east when those waters were cleared.

[1] Dio xxxvi. 18. 1, 19. 1.

[2] Cic. *de imp.* 39, 45, 50.

[3] Caes. *BC.* iii. 104.

[4] Plut. *Pomp.* 30. 1–2; Dio xxxvi. 42. 4, 43. 1.

[5] Cic. *Mur.* 69, cf. Plut. *Luc.* 36. 4; *Pomp.* 31. 5.

[6] Dio xxxvi. 46.

[7] Cf. Cic. *Fam.* iii. 3. 1; viii. 5. 1; *Att.* v. 15. 1. *Fam.* iii. 6. 5 refers to 'tris cohortis, quae sint pleniasimae', perhaps as a result of an earlier *supplementum*. In 51 a *supplementum* was refused (*Fam.* iii. 3. 1), though expected by Cicero (*Att.* v. 4. 2) and probably by Appius Claudius; hence his plan to discharge veterans (*Fam.* iii. 3. 2). Cf. Caes. *BC* iii. 4.

describes him vaguely as 'non satis paratum ad tantum bellum administrandum';[1] it would have been good sense if he had been authorized to take out a consular army of 2–3 legions, or at least *supplementa*, to replace the Fimbrians and to make good war losses, especially those of Triarius. It is no objection that he had hitherto been inactive; he might have had reasonable doubts about his own capacity and about the fighting quality of raw recruits. There is, however, equally no evidence for this conjecture. At a rather later stage Pompey obtained the command of Marcius' 3 legions;[2] Marcius had apparently been intervening in Syria.[3] Pompey now had at his disposal at least 6 old legions from Lucullus (which may or may not have been reinforced by the dispersal among them of the Fimbrians or by *supplementa* brought by Glabrio, but which were depleted by the detachment of 1,600 men to escort Lucullus home, as well as by previous losses), 3 formerly under Marcius Rex and an unknown number which he had raised for the pirate war, perhaps also new legions brought out by Glabrio and perhaps Metellus' 3 legions from Crete (but *v. supra*). Our authorities nowhere give the total.

It is attested that in 63/2 Pompey left 2 legions to garrison Syria;[4] they were commanded first by a legate, M. Scaurus, and later by governors of praetorian rank, L. Marcius Philippus (61–59) and Cn. Lentulus Marcellinus (59–57), till the arrival in Syria of A. Gabinius, consul 58. It can surely be assumed that a similar force was left in Cilicia. The 2 legions which Cicero inherited there in 51 must have constituted the army which the proconsul Lentulus Spinther commanded as early as 56; he earned a triumph in the province.[5] It is true that we do not know of any governor between Pompey and T. Ampius Balbus, Lentulus' predecessor,[6] and that Ampius was only of praetorian rank; but we need not infer from this that before 56 the province was ungarrisoned; in Syria too the governors from 63 to 57 were praetorian, and it is almost by chance that their names are preserved. Legions had been stationed in Cilicia from 78 to the outbreak of the Mithridatic war; it was a frontier province and had been the centre of piracy, and it would have been an act of singular imprudence on Pompey's part to have left it bare of troops. Moreover the fact that Cilicia, not Syria, was originally allocated to Gabinius in itself suggests that in 59, when the senate must have appointed it as a consular province under the Lex Sempronia, it already ranked as a province for which a consular was suitable as governor.[7] Finally the depletion of Cicero's legions (p. 457 n. 7) is best explained if we suppose them to have shared in Pompey's campaigns as well as in the constant guerrilla warfare that was endemic in the Cilician

[1] *de imp.* 5.
[2] Dio xxxvi. 48. 2.
[3] *MRR* ii. 146, 646.
[4] Jos. *AJ* xiv. 79.
[5] Cic. *Fam.* i. 7. 4; *Att.* v. 21. 4. For the 18th legion, cf. *ILS* 2224, Kubitschek, *RE* xii. 1207 f., p. 447 *supra*.
[6] *MRR*, Suppl. 4 f.
[7] Cic. *Sest.* 55; *Dom.* 23, 70.

highlands. We may then conclude that Pompey did not bring his whole army back to Italy in 62–61, but left 4 legions in the east.

The size of Pompey's army has been inferred from the donatives he gave to his soldiers. He gave 1,500 *denarii* to each private soldier;[1] Appian states and Plutarch hints that officers, as we should expect, received proportionately more. Appian retails a report that the total sum distributed was 16,000 Attic talents = 96 million *denarii*. Pliny, who does not name this figure, states that 25 million went to his quaestors and legates. On the assumption that he was following the same tradition, that would leave 71 million *denarii* for junior officers and other ranks. The assumption cannot go unquestioned, since Pliny also says that he paid in 50 million *denarii* to the treasury, whereas Plutarch gives 20,000 talents—120 million *denarii*; it is clear that there were discordant estimates at least of this sum.[2] But if the assumption be granted, we can try to estimate the number of soldiers who received the donative. What parts of the 71 million *denarii* went to junior officers? On this there is no agreement. Tigranes had previously distributed 50 *denarii* apiece to each private in Pompey's army but 1,000 to each centurion and either 6,000 or 10,000 to each tribune.[3] It might be supposed that in fixing these proportions he followed Pompey's advice and therefore that Pompey himself would have adopted the same proportions in granting his own donatives. On this view, if privates received 1,500 *denarii*, tribunes must have received 180,000 or even 300,000 apiece, and centurions 30,000. It has, however, been argued that Pompey is more likely to have observed the same ratios as Caesar in 46, when centurions got twice and tribunes four times as much as common soldiers; they would then have received respectively 3,000 and 6,000 *denarii*.[4]

Gelzer (taking 180,000 *denarii* for tribunes and 30,000 for centurions) finds the sum sufficient for 8 legions of 4,000 men each. The number of 8 legions must cause surprise. Gelzer himself allows that at an earlier stage Pompey probably had 48,000 men. He points out that Pompey left 2 legions in Syria and settled some men at Nicopolis;[5] he fails to see that there were certainly also 2 legions in Cilicia. But would the soldiers who remained in service have been deprived of their reward? It is true that Pliny and Plutarch both connect the donative with the triumph, which was deferred till 30 September 61, months after Pompey had disbanded even that part of his army which came back to Italy. But, according to Appian, he distributed his largess while still in the East; probably it was only recorded on tablets carried at the triumph, and not actually paid then. That surely suggests that

[1] Pliny, *NH* xxxvii. 16; Plut. *Pomp.* 45. 3; App. *Mith.* 116.
[2] Vell. ii. 40. 3, cf. i. 9. 6, may have had Pliny's figure in mind.
[3] Strabo xi. 14. 10; Plut. *Pomp.* 33. 6; App. *Mith.* 104.
[4] So Rice Holmes i. 427 f. (with bibliography); *contra* Gelzer, *Pompeius* 116.
[5] *Pompeius* 92, ch. VI nn. 40, 119.

no legionaries still under the colours were excluded. But Pompey's army was surely stronger than 8 legions, about 32,000 men.

It is certain that he had brought out at least 2 legions himself and taken over 3 from Marcius. These were all fresh legions whose strength should have been not less than 20,000 men, rather 25,000. He had inherited 6 depleted legions from Lucullus, and it might be held that they were amalgamated into 3. But their numbers should have been somewhat reinforced by the re-engagement of the Fimbrians; and Glabrio had surely come out with *supplementa*, if not with 2 or 3 new legions. Moreover it seems improbable that Pompey's own army before the Lex Manilia took effect consisted of no more than 2 legions. He was moderate indeed if he levied only some 10,000 legionaries, fewer than Marcius or Metellus Creticus, when he had been authorized to raise perhaps 120,000 men. If we allow him 3 or 4 legions of his own (by way of conjecture), then his own force with that of Marcius amounted to some 30,000, and with that taken over from Lucullus to perhaps 50,000. Casualties could well have reduced this number to some 40,000 by 62. If we assume that as a result of amalgamations the number of legions was 12 and that all benefited in his donatives in 62, we shall get the most plausible result by supposing that he paid those donatives on the scale later adopted by Caesar. 72 tribunes and 720 centurions would have absorbed 2,592,000 *denarii*; doubtless Pompey gave something to *praefecti* and *comites* and took a handsome share himself. Some 40,000 common soldiers would have required 60 million *denarii*, which could easily have been found from the balance of 71 million.

I therefore reach the precarious conclusion that Pompey's army in 66 numbered some 50,000 legionaries, probably distributed into 12 legions, that it was reduced by some 10,000 in the course of his campaigns (Lucullus had probably lost well over half his men) and that he brought 8 legions home, about 30,000 men.

(*f*) *Legions in the East, 62–49 B.C.* It has been shown above that Pompey left 2 legions in Syria and 2 in Cilicia. R. E. Smith argues from a coin on which C. Memmius, governor of Bithynia in 57, is entitled *Imperator*, that he probably had an army of 1 legion with which he had gained the military success that gave him his title.[1] But there is no other evidence for such a garrison in Bithynia; certainly there was no legion there in 49, or we should have heard of it serving Pompey in the civil war. Smith himself notes that the neighbouring province of Asia was normally ungarrisoned. It might be conjectured that even a governor who commanded no legions had a small military retinue of Romans for his personal protection, and that these men might have hailed Memmius *Imperator*[2] for a success gained with such local levies as Cotta, for instance, had undoubtedly employed in the same

[1] *Service in the Post-Marian Roman Army*, 1958, 16, cf. *MRR* ii. 203.

[2] Cf. p. 431 (Antonius).

province. Alternatively, Pompey had left 1 legion in Bithynia which was withdrawn between 57 and 49. But this seems less likely.

The legions left by Pompey in Cilicia remained there, apparently without reinforcement, till 49 (*supra*). On the other hand, the Syrian army was greatly increased within this period, though the disaster at Carrhae in 53 again reduced it to its old level. By a law of 58 B.C. the consul A. Gabinius received Syria with an 'imperium infinitum' and the right, according to Cicero, to an army as large as he desired.[1] His colleague, Piso, who received like powers, is known to have levied troops in Italy; Cicero complains about his use of conscription.[2] Against Gabinius, Cicero makes no such complaint, and it might be inferred that he was content merely to take over the legions already stationed in Syria. But this argument from silence is not very strong; Cicero in his extant attacks on this pair of consuls has more to say about Piso than about Gabinius. It was Gabinius who planned an offensive war against the Parthians; he was only diverted from it, after crossing the Euphrates, by the more tempting project of the restoration of Ptolemy Auletes.[3] It is then probable that he brought out reinforcements to the Syrian army, and Appian expressly asserts that he was dispatched from Rome with an army. Granted, however, that he raised new legions, we do not know how many. We cannot even say that as a consul he should have had only 2 new legions, since (*a*) it was apparently within his discretion how many to levy; (*b*) several consuls in the post-Sullan period, without even possessing such wide powers, had 3 (p. 454). Cicero alleges that he lost some excellent cohorts in 57; the truth that may lie behind this eludes us.[4] He left some of his soldiers in Alexandria to protect Auletes.[5] The size of the now enlarged garrison of Syria was thus again somewhat reduced by losses during Gabinius' tenure in 57–55.

Crassus, his successor, certainly conscribed more soldiers in Italy under the Lex Trebonia which empowered him to raise troops at his discretion;[6] again we do not know how many. It is said that he lost many ships, and therefore presumably some of his recruits, on the voyage from Brundisium.[7] Since his *dilectus* had been impeded, and since his new legions suffered some casualties at sea, while the legions already in Syria must have been rather depleted already, we must expect to find that his legions were not at full strength. The authorities are not agreed on the number of legions under his command. Florus speaks of the slaughter of 11 legions at Carrhae, and Appian says that of an army of 100,000 men (he no doubt includes non-Romans) only 10,000 escaped.[8] Modern scholars rightly regard these estimates as exaggerated; they are not in accord with the more detailed

[1] Cic. *Dom.* 23, 55; *Sest.* 24.
[2] *Prov. Cons.* 5; *Pis.* 37, 57.
[3] Dio xxxix. 56; App. *Syr.* 51; Jos. *AJ* xiv. 98 ff.; *BJ* i. 175 ff., etc.
[4] *Sest.* 71; *Prov. Cons.* 9.
[5] Caes. *BC* iii. 110. 2.
[6] Dio xxxix. 33. 2, 39.
[7] Plut. *Crass.* 17. 1.
[8] Florus *i.* 46. 2; App. *BC* ii. 18.

and apparently more accurate data that Plutarch supplies. But even Plutarch's testimony is not easy to interpret.

Plutarch tells that in 54 Crassus placed 7,000 foot and 1,000 horse as garrisons in Hellenized cities in Mesopotamia.[1] In 53 he again crossed the Euphrates with 7 legions, together with 4,000 horse and 4,000 light troops. His army included Pompeian veterans, presumably the survivors of the 2 legions Pompey had left in Syria.[2] This seems clear enough. But later we hear that on making contact with the enemy Crassus first drew up his foot in a thin line with cavalry on the flanks and then formed them in a square, each side of which was composed of 12 cohorts, with cavalry attached to each cohort.[3] A total of 48 cohorts does not correspond to 7 legions (70 cohorts); yet there is no indication that Crassus had detached any forces from the main army since the campaign began. Groebe quite arbitrarily supposed that Crassus formed not a square but a parallelogram with 25 cohorts in front and rear and 12 on each side.[4] A better suggestion was made by F. Smith.[5] Smith pointed out that almost in the same breath in which he describes the formation of the army into a square Plutarch states that the army was divided into three commands, those of Crassus himself in the centre, and of his son and Cassius on the wings, though a square could have no wings, and four rather than three divisional commanders might be expected, and that later we find the younger Crassus making a sortie with 8 cohorts and about one-third of the cavalry,[6] a sortie that would have disrupted the square. He concluded that the square had not yet been formed at the time of the sortie, and that Crassus' army consisted of 48+8=56 cohorts. This still leaves us with 14 cohorts to account for. But they can be identified with the 7,000 men in garrisons on the assumptions that 2 cohorts were detached from each legion[7] and that each cohort was deemed to number 500 men. The second assumption has some support from the fact that the legate, Octavius, is later found in command of 5,000 men;[8] the number was perhaps given by an author who took this as the nominal strength of a legion (Appendix 27), and forgot that Octavius' force was somewhat stronger. Similarly in giving Crassus a field force of 7 legions he perhaps overlooked the detachments on garrison duty and gave the full strength of Crassus' army.

E. Meyer, however, argued that Crassus had 8 legions.[9] He conjectured that the triumvirs had agreed at Luca that each should have an army of that

[1] Plut. *Crass.* 17. 4, 18. 3, 20. 2, 27. 7, cf. Dio xl. 25. 1.
[2] Plut. *Crass.* 20. 1, 21. 2.
[3] Ibid. 23. 3.
[4] Drumann-Groebe, *Gesch. Roms* iv[2]. 115 n. 4.
[5] *Hist. Zeitschr.* cxv, 1915, 241 ff., cf. Rice Holmes ii. 313 ff.; Tarn. *CAH* ix. 609. Gelzer, *RE* xiii. 126, rightly says that this theory too contradicts the sources, but offers no solution of the difficulties Smith raised.
[6] Plut. *Crass.* 23. 4, 25.
[7] Tarn. op. cit. (n. 5) 608.
[8] Plut. *Crass.* 29. 5.
[9] *Caesars Monarchie*[2], 1922, 170.

size. This is very dubious. Pompey can be credited with 8 only by counting not only the legion he lent to Caesar in 54–53 but the irregular *legio vernacula* in Spain; Caesar, it is true, had 8 legions at the time of the pact of Luca, but he soon increased the number. Meyer claims that there was normally an even number of legions in a province, but there are many exceptions to such a rule. He supposed that Crassus left one legion to garrison Syria, when he crossed the Euphrates; but there is no record of this; and Caesar did not leave a legion in the old Gallic province when he embarked on the conquest of Comata. Yet Meyer's view is supported by an argument he does not use. Plutarch states that Crassus lost 20,000 killed and 10,000 prisoners,[1] and Appian that there were 10,000 survivors, who were organized into 2 legions, those with which Cassius and Bibulus were to defend Syria and which Metellus Scipio in 48 brought to Pompey's aid.[2] The total is 40,000, a schematic figure for 8 legions. (None of the figures need be regarded as reliable.) We might then assume that the garrisons in Mesopotamia consisted of a single legion and some cohorts, and that they composed the majority of the survivors (few escaped from Carrhae, Cassius himself being accompanied only by cavalry[3]); probably the 2 legions in which they were brigaded were far below nominal strength.[4] I conclude then that in 54–53 Crassus had 7, or more probably 8, legions, of which 2 had been in Syria since 63 and the rest (in uncertain proportions) had been brought out by Gabinius in 57 or by himself.

(v) *Gaul*

(*a*) *Before Caesar.* Though the main work of subduing Gauls and Ligurians in north Italy had been done by 173, Italian settlers and peaceful natives continued to need protection from the raids of Alpine tribes and for a time from Ligurians in the Apennines, and it is likely that the region was seldom, if ever, left without a garrison; from time to time consuls could still win cheap triumphs in petty wars, and many more of them than our defective records show may have been active in the north; formally their 'province' may still have been defined as Italy until Cisalpine Gaul was organized as a province in the 80s (Appendix 10). There was also the more serious danger of invasion, not removed by the conquests in Provence between 125 and 120, as the Cimbric menace demonstrated. Danger was to be apprehended as much or more from the north-east as from the north-west, since the barrier of the Alps is rather less formidable in the former quarter; and even though this danger did not materialize in the

[1] Plut. *Crass.* 31. 7.

[2] App. *BC* ii. 18, 49, cf. Caes. *BC* iii. 4. 3. See also Vell. ii. 46. 4, cf. Eutrop. vi. 18. 2; Oros. vi. 13. 5.

[3] Plut. *Crass.* 29. 4.

[4] Cic. *Fam.* iii. 3. 1; xv. 1. 5, on the refusal of the consul, Ser. Sulpicius, to allow *supplementa* for them in 51, and for Bibulus' abstention from local recruiting.

Republic, we may remember that the province originally assigned to Caesar by the Lex Vatinia was Cisalpina and Illyricum and guess that but for a chain of circumstances which he had not envisaged Caesar would have sought glory and booty in Illyricum and not in Gaul; early in 58 the larger part of his army, 3 legions, was stationed at Aquileia.[1]

Italy or Cisalpina was doubtless the province from which M. Fulvius Flaccus, consul 125, embarked on the campaigns which concluded with the subjugation of the province called Narbonensis in imperial times. E. Badian has recently expressed doubts whether this region was organized as a province as early as 120, whether the Romans as yet had normally more than a few small garrisons there.[2] Be that as it may, in the last decade of the century large armies operated there against the Cimbri and Teutones, and Badian allows that as a result stronger defensive measures were taken. He suggests that the new Transalpine province was sometimes combined with Cisalpina. L. Crassus, consul 95, claimed a triumph over Alpine peoples who raided Cisalpina; if the practice adopted 100 years earlier was still in force, his 'province' may have been Italy; Badian thinks he had both Gauls. He makes out a rather stronger case for holding that Crassus' successor (on his view), C. Coelius Caldus, consul 94, commanded in both.[3] The presence of a consul implies at least 2 legions.

In the crisis of the Social war both Gauls must have been denuded of legions. But once it had passed, we again find a consular in Transalpina (*c.* 85–81), C. Valerius Flaccus, consul 93.[4] His province included part at least of Spain (Appendix 23)—Badian has rightly stressed the intimate connection of Transalpina in Roman eyes with the defence of Spain[5]—and we may again suppose that he had at least 2 legions. The next governor of whom we hear in Transalpina is praetorian, L. Manlius who had 3 legions in apparently 78.[6] The Sertorian war—Manlius intervened in Spain, only to suffer defeat—explains the greater strength of his army.

We are told that Cisalpina had been allotted to Sulla,[7] presumably in the expectation that he would take it in 79. He did not do so, but the allocation implies that an army was, or was to be, stationed in the province. This was a time of warfare in Illyricum, where the praetorian C. Cosconius campaigned for a *biennium*, with at least one legion and doubtless more.[8] Eutropius recounts his operations after those commenced by Ap. Claudius, consul 79, in Macedon and P. Servilius, consul 79, in Cilicia, but before his narrative of Lepidus' rising. It seems probable then that he took command in 79–78, and held it till the end of 77. Orosius says that he drew Illyricum as a

[1] *MRR* ii. 190, cf. p. 466 n. 5.
[2] *Provincia Gallia*, 902 ff.
[3] Ibid. 907 f., cf. *Studies in Greek and Roman History* 90 f.
[4] Badian, *Studies* 88 ff.
[5] *Provincia Gallia* 904.
[6] Oros. v. 23. 4. In general for evidence on each commander see *MRR*.
[7] Licin. 32 F.
[8] Cic. *Cluent.* 97; Eutrop. vi. 4; Oros. v. 23. 23.

province, but this may be mistaken or at least inexact; like Caesar in 59, he was probably assigned Cisalpina and Illyricum and performed the task which should have been Sulla's.

In 78 both Gauls (as argued by Badian)[1] were allotted to the consul, M. Lepidus, which should have meant that he was to supersede Cosconius. In fact he never proceeded to either province, though his legate, M. Brutus, raised an army in Cisalpina (Cosconius was of course beyond the Alps). Manlius remained in charge of Transalpina, no successor having arrived. Who succeeded Lepidus? We know that Mam. Aemilius, consul 77, commanded an army, and it has reasonably been conjectured that he was given Cisalpina, and held it perhaps till 75.[2] But why not Transalpina too? No governor is attested there until 74. The fact that Pompey did some fighting in Transalpina on his way to Spain is no objection. The size of Aemilius' army is unknown, but it was probably not less than 3 legions, often attested in the late Republic for consular generals (p. 454); in Transalpina the praetorian, Manlius, had had so many (p. 464).

After 75 the two Gauls were separated. The *triennium* of M. Fonteius, praetor probably in 75, runs from 74 to 72 in Transalpina.[3] [This *vir militaris* (Cicero, *Font.* 42 f.) must have had an army to guard communications with Spain in the Sertorian war, and actually conducted campaigns (ibid. 12 f., 20).] It was perhaps from this province that L. Afranius, an ex-praetor, triumphed in 69.[4] Cisalpina went in 74 to C. Cotta, consul 75, who claimed a triumph and naturally must have had not less than 2 legions; C. Cassius, consul 73, his successor after an interval, had 10,000 men, a conventional way of denoting that number.[5]

From 67 to 65 the Gauls were again combined under C. Piso, consul 67, who repressed an Allobrogic rising, and to whom in view of the extent of his command I would give 3 or 4 legions. The presence of 4 legions divided between the two provinces is certain for 63.

Late in that year one of the praetors, Q. Metellus Celer, was placed in charge both of the Ager Picenus and Gallicus and of Cisalpina; we know that he levied troops but he also seems to have had under his command 'Gallicanae legiones'. Sallust speaks of the 3 legions under his command in Picenum; we may suppose that at least 2 of these must have been moved from Cisalpina, and probably all 3; the new levies were doubtless used merely to bring them up to full strength.[6] These are clearly the 3 veteran legions which Caesar found in Cisalpina in 58 (*infra*).

But Caesar had a fourth veteran legion, that which was stationed in 58 in Transalpina, and which had obviously served under C. Pomptinus, praetor

[1] *Provincia Gallia* 910.
[2] Cic. *Cluent.* 99, cf. G. V. Sumner, *JRS* liv, 1964, 47; Badian, *Provincia Gallia* 913.
[3] Badian, op. cit. 911 f. [4] Ibid. 913 n. 4.
[5] Plut. *Crass.* 9. 7, cf. Appendix 27.
[6] Sall. *Cat.* 30. 5, 57. 2, 58. 6; Cic. *Cat.* ii. 5.

63, who earned a triumph by crushing an Allobrogic revolt in 62–61. Now Pomptinus' predecessor in Transalpina was L. Murena, praetor in 65, who held a levy (probably for a *supplementum*) in Umbria on the way to his province in 64.[1] It has been argued that Murena was also governor of Cisalpina, and if that were so, it might be said that we have no proof that these new recruits were intended for a Transalpine province. This argument rests on a statement in the manuscripts of Sallust that late in 63 his brother and legate, Gaius, arrested Catilinarians in Nearer Gaul.[2] However, it is certain that at that very time Murena, who was now in Rome, had left Gaius in Transalpina.[3] We must therefore posit an error by the scribe, if not by Sallust; 'ulteriore (Gallia)' must be substituted for 'citeriore'. The evidence thus disappears that Murena was governor of Cisalpina as well as Transalpina. This does not quite dispose of the matter. We do not know that any one else was governor of Cisalpina, and it might be argued that it was precisely because Murena had left his province to stand for the consulship and that his responsible deputy was in Transalpina that the government placed the praetor, Metellus, in charge of Cisalpina. Even so, Murena's troops cannot have been exclusively in Cisalpina; it is incredible that in its disturbed state, with the Allobroges already restive, Transalpina was bare of a legionary garrison. Moreover, Cicero says that Murena levied troops on his way to his province and follows this up with a reference to his efficiency in securing the payment of debts 'in Gallia', surely the very efficiency which made the Allobroges toy with joining Catiline in 63 and actually rebel in 61.[4] We may then conclude that as in 58 there were 3 legions in Cisalpina and 1 in Transalpina.

It is curious that the alarm inspired by news from Gallia Comata in March 60 did not lead to any adjustment in the disposition of these legions. Both Gauls were then allotted to the consuls of 60, though Metellus Celer, to whom Transalpina fell, had not gone out by March 59, when he died. Cisalpina with its larger army was in the charge of L. Afranius, a trusted friend of Pompey; the fact is not irrelevant to understanding the impotence of the optimates in 59.

In conclusion we find 3 legions in Transalpina in 78, and 1 in 63–58; 2 in Cisalpina in 72, and 3 in 63–58. Taking both provinces together, there were probably never less than 4.

(*b*) *Caesar's Army*. In 59–58 Caesar took over 4 legions, viz. 3 in Cisalpina and 1 in Transalpina.[5] In 58 he raised 2 more, as again in 57.[6] In 54 his army still consisted of 8 legions, plus 5 cohorts, which were presumably

[1] Cic. *Mur.* 42.

[2] Sall. 42. 3. Against the defence of the text by W. Allen, *Cl. Ph.* xlviii, 1953, 176, and on the circumstances of Metellus' appointment see Badian, *Provincia Gallia* 913 ff.

[3] *Mur.* 89. [4] Sall. *Cat.* 40. 1; Dio xxxvii. 47.

[5] App. *BC* ii. 13; Dio xxxviii. 8. 5, confirmed against Oros. vi. 7 by *BG* i. 7. 2, 10. 3.

[6] *BG* i. 7–8; ii. 2.

the nucleus of a new legion,[1] but in that year 1 legion and these 5 cohorts were lost at Atuatuca. In the winter of 54–53 Caesar then raised 2 more legions and borrowed 1, which Pompey as consul in 55 had enlisted in Cisalpina.[2] In 53–52 Caesar thus had 10 legions.[3] In 50 he sent the legion he had borrowed from Pompey, together with one of his own, to Italy on the demand of the senate that he should furnish 2 for the Parthian war. Yet in the winter of that year he still had 9 according to Aulus Hirtius, 11 according to Cicero, 10 according to Plutarch.[4] The last figure appears to be right.

The legions he took over were X (probably that which had been stationed in Transalpina), and VII, VIII, and IX which Hirtius contrasts as 'singularis virtutis veterrimas legiones' with XI, raised, as he expressly says, in 58.[5] Caesar refers to XI and XII in the campaigning of 57.[6] The legions recruited in 57 were doubtless numbered consecutively XIII and XIV. In that case it was XIV that was lost at Atuatuca and replaced in 54/3 since Caesar states that the legion serving with this number in 53 was one of those he had raised in the preceding winter.[7] The legion he then borrowed from Pompey was numbered I. In 50 he sent both I and XV to Italy.[8] It might then seem that XV was the remaining legion raised in 54/3. But VI had been wintering on the Saône in 52–51. It has been held that VI was simply the Pompeian legion I, renumbered while in Caesar's service, but this is refuted by Rice Holmes.[9] It therefore appears that the 10 legions under Caesar's command in 53–52 were I, VI–XIV, and that XV was a relatively new legion, raised presumably in the levy of 52.[10] The 9 legions whose winter-quartering for 50–49 is given by Hirtius (*BG* viii. 54) were then apparently VI–XIV.

The statements of Cicero and Florus that Caesar had 11 legions in that winter, though accepted by von Domaszewski, were rejected by Rice Holmes. The truth seems to be that in 50–49 Caesar raised 22 cohorts, which had not yet been incorporated as legions when the civil war began, but which Cicero and Florus could reasonably have regarded as equivalent to 2 legions. These cohorts joined Caesar at Corfinium less than a month after he crossed the Rubicon (*BC* i. 18. 5), and though it is certain that he began to levy more troops as soon as the civil war began, it can hardly be supposed that they had not been formed somewhat earlier; Dio's statement that he sent the two legions to Pompey with the intention of replacing them (xl. 65. 4) is thus confirmed, and Cicero's estimate is shown to be as accurate as we might assume it to be; Caesar's military preparations were naturally

[1] v. 24. [2] vi. 1; viii. 54. [3] vi. 44. 3; vii. 34. 2.
[4] viii. 54; Cic. *Att.* vii. 7. 6 (cf. Florus ii. 13. 5); Plut. *Pomp.* 58. 6.
[5] i. 40. 14; viii. 8. [6] ii. 23.
[7] vi. 32. 5. XIII is named in vii. 51. 2. [8] viii. 54.
[9] iii. 356 on *BG* viii. 4. 3. [10] vii. 1.

known through Labienus, if through no other channel.[1] In due course the 22 cohorts must have been formed into 2 legions, which will enter into our count of Caesar's forces in the civil war.

The totals given both by Hirtius and Cicero, however, ignore yet another legion, Alaudae, since it was composed of natives of Transalpina, who only received the citizenship later, and was therefore at first an irregular unit.[2] A veteran legion numbered V, which Rice Holmes rightly identifies with Alaudae, is first mentioned in 46 as taking part in the civil wars.[3] It is not named in the campaigns of 49 and 48. Caesar had with him in the invasion of Italy only 3 of his veteran legions, XIII, XII, and VIII.[4] Rice Holmes is probably right in thinking that they remained in Italy during the fighting against Massilia and in Spain.[5] Caesar left 3 legions to besiege Massilia, and ordered 3 of his veteran legions wintering at Narbo to march on to Spain and 'reliquas legiones, quae longius hiemabant' to follow.[6] These remaining legions numbered 3, since the total force sent on to Spain consisted of 6;[7] but V Alaudae was probably among the 3 left to besiege Massilia in concert with 2 others, newly formed. After its fall, Caesar left only 2 there as a garrison. We can then suppose that V Alaudae marched to Italy;[8] it seems probable that it took part in the Pharsalus campaign, despite the absence of explicit testimony, as Rice Holmes argued.

(vi) *Macedonia*

Cicero once declared that Macedon had been, apparently before Piso's proconsulship (57–55 B.C.), a peaceful province which 'tenui praesidio atque exigua manu per legatos nomine ipso populi Romani tuebamur'.[9] Within this period at least, and probably ever since annexation (p. 428), the allegation was false; Cicero himself says more truly that such powerful peoples bordered on Macedon that the boundaries for Roman commanders there had always been those set by the Roman swords and javelins, and that every consular governor had triumphed, if he survived.[10] Between 80 and 71 B.C. Macedon was governed by four successive consulars, Cn. Dolabella (consul 81), Ap. Claudius (consul 79), C. Scribonius Curio (consul 76), and M. Lucullus (consul 73); Claudius died while on campaign, but the others all triumphed in a decade of incessant war.[11] For the most part the number of legions they commanded is not attested. A consular governor would not

[1] *Neue Heidelb. Jahrb.* iv. 161 ff., *see contra* Rice Holmes iii. 354 ff.

[2] Suet. *Caes.* 24. 3. In 29. 2, in reporting Marcellus' proposal in 50, he also ignores this legion. On its formation see Harmand 33 n. 58.

[3] *B. Afr.* 1. 5, etc. The cognomen Alauda(e) is not used in the *Corpus Caesarianum*, whereas in Cic. *Fam.* x. 34. 1, it is simply numbered V; it is first called 'legio Alaudarum' in *Phil.* i. 20. In the Principate it was V Alaudae.

[4] *BC* i. 7. 8, 15. 3, 18. 5.

[5] iii. 384 ff.

[6] *BC* i. 36–7, cf. Rice Holmes ii. 322, on his dispositions for winter quarters, 50/49.

[7] *BC* i. 39.

[8] *BC* ii. 22. 6.

[9] *Prov. Cons.* 4.

[10] *Pis.* 38, cf. 44.

[11] See *MRR* ii for evidence.

have less than 2, and on several occasions in this period we find them with 3 (p. 454). But Curio actually had 5, of which one mutinied and was disbanded; its soldiers were distributed among the remaining legions, which seem to have been below strength.[1] We can suppose that before 75 the army consisted either of 3 or 2 legions, brought up to 5 and then reduced to 4 by Curio in that year; probably 4 remained till Lucullus' departure in 71.

Lucullus took home at least part of his army, to assist in the suppression of Spartacus' rising.[2] None of his successors is known before Rubrius in 67; he was only of praetorian rank, and of the intervening consuls only one in 71 could conceivably have been allotted Macedon.[3] It need not be inferred, however, that Lucullus left the province without troops; we happen to know that Rubrius had at least 2 legions.[4] In 64–63 a consular, L. Manlius Torquatus (consul 65), took over the province, and gained an imperatorial salutation; he was apparently followed by an ex-praetor, L. Flaetorius, and then by C. Antonius (consul 63), who suffered defeats in which he is said to have 'lost his army'.[5] Certainly his successor, C. Octavius (praetor 61), brought out more troops, perhaps *supplementa*,[6] and earned the title of *imperator*. There is no reason to think that L. Appuleius (praetor 59), who followed him, was without an army. But the strength of the army in the years from 70 to 58 cannot be determined; probably Lucullus brought back 2 legions, leaving 2; Torquatus or Antonius or both may have had a larger force; we might expect Antonius to have taken with him to his province some of the troops he had raised to fight Catiline; but this is conjecture.

In 58 the consul L. Piso was given Macedon by a Lex Clodia with 'infinitum imperium' and, allegedly, the right to levy as many troops as he chose.[7] Cicero complains of his harsh use of conscription and claims that he stripped Italy of her young men.[8] It is certain that he took out additional troops which were expected to arrive at Thessalonica in November 58;[9] and if any credence is given to Cicero's declamations, his army must have been unusually large; Cicero was of course quite capable of forgetting that Curio had had 5 legions, and we are not bound to infer that Piso had more than 3 or 4, even granted that it was now common for consulars to command 3. Piso too secured the imperatorial title,[10] yet according to Cicero he lost the 'greatest part of his army' from military reverses, famine, and disease.[11] It is impossible to say how much truth lies behind the prejudiced

[1] Front. (?) *Strat.* iv. 1. 43.
[2] Plut. *Crass.* 11. 2; App. *BC* i. 120 confuses him with L. Lucullus.
[3] *MRR* ii. 150 n. 12.
[4] Plut. *Cato Min.* 9. 2.
[5] Obsequens 61a; for commands 64–60 see *MRR* ii. 169, 175, 185.
[6] Suet. *Aug.* 3.
[7] Cic. *Sest.* 24; *Dom.* 55; *Pis.* 37.
[8] *Prov. Cons.* 5; *Pis.* 57.
[9] *Att.* iii. 22. 1; *Fam.* xiv. 1. 3.
[10] Cic. *Pis.* 38, etc.
[11] *Pis.* 46 f., cf. 53, 85, 92; *Prov. Cons.* 5.

and unsubstantiated reports of a personal enemy; R. G. M. Nisbet may go too far in thinking that there is none;[1] it is suggestive that Piso, despite his close connection with Caesar, did not venture to claim a triumph. It is very strange that Piso discharged his army locally before leaving. Macedon was thus left defenceless.[2] It is clear that there were no legions there for Pompey to take over in 49; indeed he could raise only 1 legion from men discharged locally by previous generals both in Macedon and Crete.[3] Either then the survivors of Piso's large army were not numerous, or they slipped back individually to Italy, not welcoming Piso's pretended 'kindness' in demobilizing them within the province, or they were reluctant to join Pompey; the first hypothesis fits Cicero's account of Piso's tenure of Macedon, but we can hardly choose between them. Nisbet remarks that 'we hear nothing of trouble in Thrace in the following years, which is some indication that Piso had done his work well'.[4] But neither the previous history of the province nor later events there, until Augustus pushed the frontier forward, suggest that Piso had any warrant for believing that it would be safe without any garrison. Doubtless many wars here had been provoked by Roman generals in search of a triumph; yet the peace that obtained between 53 and 49 may be ascribed to the 'fortune of the Roman people' rather than to Piso's good work and foresight.

It seems then that from 71 to 55 Macedon had a permanent garrison of never less than 2 legions; from 55 to 49 it was ungarrisoned.

(vii) *Spain*

Sertorius probably brought few troops with him to Spain in 83/2 (at that juncture men could not be spared from the war with Sulla), but he commanded one legion from Italy, which may either have remained in Spain throughout the Social war or have been sent there on its conclusion.[5] For the rest Sertorius relied on conciliating the natives and enlisting local Romans,[6] but when in 81 Sulla dispatched C. Annius against him, he tried to hold the passes of the Pyrenees with 6,000 men under Livius Salinator. Probably Livius was given Sertorius' regular legion. His own force in reserve after Livius' defeat consisted of only 3,000 men; they seem to have crossed with him to Mauretania, and the 2,600 men, with whom he eventually returned, were probably the survivors of this force; as Plutarch says that 'he *called* these men Romans', it would seem that they were Romanized but hardly for the most part citizens drawn from the regular legionaries under his command in 82.[7]

There is no evidence for the size of Annius' force but it was superior to Livius' legion and can hardly have been less than 2 legions; such an army

[1] In his edition of *In Pisonem*, 1961, Appendix 1.
[2] Caes. *BC* iii. 4.
[3] Plut. *Sert.* 6. 3; App. *BC* i. 108.
[4] *Pis.* 47, 91 f.
[5] Op. cit. (n. 1) 179.
[6] Plut. 6. 4 f.
[7] Ibid. 7. 1–2.

was no larger than the pre-90 praetorian army of one legion with its Italian contingents. As governor of Ulterior, Annius later repelled an attempt at return by Sertorius, using only 5,000 men, i.e. 1 legion, but we need not think that this constituted his entire army; rather, it was the force nearest to Sertorius' landing.[1] Fufidius, who presumably succeeded him in Ulterior and whom Sertorius defeated, had more than 1 legion, presumably 2.[2] His successor was Metellus Pius.[3] The size of Metellus' army is nowhere recorded, though Appian calls it large.[4] We hear of his wintering at Corduba with 2 legions, but Caesar's practice in Gaul may remind us that during winters an army might be divided for supply reasons or in order to protect several districts.[5] One would not expect Metellus to have had fewer legions than L. Manlius who had 3 in Gallia Transalpina in 78. We may then assign him at least 3, or more probably 4, an army no larger than that of consuls before 90, who had 2 legions with allied contingents.[6] But in 79 (or in 80—the date is not certain) M. Domitius also had an army in Citerior, perhaps also of 2 legions.[7] It seems then likely that there were 4 legions in Spain in 80 and 5 or 6 in 79–78 (3 or 4 in Ulterior, 2 in Citerior). According to Orosius, Pompey in 77 or 76 brought with him 30,000 foot and 1,000 horse; this may mean 5 or 6 legions.[8] In 74 2 further legions were dispatched to Spain.[9] That should have brought the total up to at least 11, and this may underestimate Metellus' army, which might have been as large as Pompey's; the total could be 14. Plutarch says that Sertorius had to contend with armies amounting to 120,000 foot, 6,000 horse, and 2,000 archers and slingers;[10] the figures may be exaggerated, and in any event must relate to the time of the largest concentration of troops in the peninsula and include numerous native *auxilia*. Sertorius, on his side, can at first have commanded few Italians, but he was reinforced in 77 by an Italian army under Perperna, the remains of that raised by Lepidus, amounting to 53 cohorts or over 5 legions according to Plutarch.[11]

We are told that Metellus dismissed his army on crossing the Alps, while Pompey kept his till his triumph.[12] These statements need not be pressed to imply that both withdrew all their forces from Spain. Pupius Piso and perhaps Afranius triumphed from Spain in 70–69;[13] Cn. Piso had an army in Citerior in 65;[14] Caesar in 61 found 20 cohorts, i.e. 2 legions in Ulterior and raised 10 more, perhaps a third legion which may have been drawn from

[1] Ibid. 7. 3.
[2] Sall. *Hist.* i. 108.
[3] *MRR* ii. 83.
[4] *Iber.* 101.
[5] Sall. *Hist.* ii. 28, cf. Caes. *BG* v. 24; vi. 44.
[6] Oros. v. 23. 4, cf. *MRR* ii. 87. But cf. p. 454 for consular armies of 3 legions after 80.
[7] *MRR* ii. 84.
[8] Oros. v. 23. 9, cf. Appendix 27.
[9] App. *BC* i. 111.
[10] *Sert.* 12.
[11] Ibid. 15.
[12] Sall. *Hist.* iv. 49; App. *BC* i. 121, etc.
[13] *MRR* ii. 130 n. 5, 133. But on Afranius cf. p. 465.
[14] Sall. *Cat.* 21. 3.

locally settled Romans, but also from natives;[1] Metellus Nepos fought rather unsuccessfully in Citerior in 56–55, and as a consular must have had at least 2 legions.[2] The Lex Trebonia of 55 assigned both provinces to Pompey with 4 legions; I agree with R. E. Smith that these 4 legions were 'the establishment for the 2 provinces', an establishment, of course, no stronger than that of 2 legions, with their accompanying cohorts of Italian allies, in most years before 90 B.C.; he aptly notes, by way of analogy, that Caesar too in 59 had been given the 4 legions already stationed in the Gauls.[3] It is then reasonable to suppose that 4 legions were left in Spain in 71 and that Metellus and Pompey did not return with their whole armies. Nepos' failure to crush the Vaccaei is, however, ascribed to his numerical inferiority; as so often occurred, the legions in Citerior were doubtless depleted. Hence Trebonius could give plausible grounds for authorizing Pompey in 55 to levy more troops—indeed, as many as he pleased.[4] One legion he raised as consul in 55 was lent to Caesar,[5] but in 52 he was voted 2 more legions[6] and by 49 he had brought up the strength to 6 regular legions together with a *legio vernacula*; of these 5 were in Nearer Spain, and 2, including the *legio vernacula*, in Further.[7] If we take seriously the literal force of Caesar's allegation[8] that 6 legions had been *sent* to Spain, we may suppose that they relieved long-service troops there; but faith in his veracity is sapped by his further contention that garrisons were not needed to keep peace there, which the general history of the Spanish provinces down to Augustus disproves;[9] moreover, the *legio vernacula* with one of the other Pompeian legions were by 48 'veteran legions tried in many battles'.[10] It therefore seems probable that Pompey's Spanish army included 4 depleted legions which his legates took over in 55 and brought more or less up to strength. By 49, however, the 5 legions engaged at Ilerda were probably each only 4,000 strong (p. 690).

[1] Plut. *Caes.* 12. 1. The conjecture of Domaszewski 160 n. 5 that these were the legions VII and VIII later commanded by Caesar in Gaul is wanton. The *legio vernacula* in Spain in 49 cannot be one raised by Caesar in 61, since it clearly had no special relation to him.

[2] Dio xxxix. 54. Harmand 32 says Nepos can have had only native auxiliaries under his command; this is contrary to all probability.

[3] Plut. *Pomp.* 52. 3; Smith 21. Schulten, *Fontes Hisp. Ant.* v. 32 deduced from Caes. *BC* i. 29. 3 that Pompey's 'vetus exercitus' in Spain was mainly composed of soldiers who had fought against Sertorius. That goes too far. (See Addenda.)

[4] Dio xxxix. 33. 2.

[5] Caes. *BG* vi. 1; viii. 54.

[6] App. *BC* ii. 24.

[7] Caes. *BC* i. 38 f.; ii. 18, 20. 4.

[8] Ibid. i. 85.

[9] *B. Hisp.* 8. 3, 42. 4 f.; *ILS* 103; Vell. ii. 90.

[10] *B. Alex.* 61. 1.

XXVI

MEN UNDER ARMS, 49–29 B.C.[1]

(i) *Pompeian Legions*

At the beginning of 49 Pompey had under his command in Italy only the 2 legions (I and XV, the latter of which had been renumbered III),[2] which Caesar had sent for the Parthian war.[3] He had authority to raise 130,000 men in Italy, a figure which may represent 26 legions, and others in the provinces.[4] But the speed of Caesar's advance prevented him from forming more than 3 new legions in time to transport them across the Adriatic, along with I and III. In Epirus this force of 5 legions was supplemented by 1 legion formed out of the 2 weak units Cicero had commanded in Cilicia, 1 raised from veterans settled in Crete and Macedon, and 2 from levies held in Asia, presumably among Italian residents; all of these were strengthened by a 'great number' of men raised in Greece and Epirus; and by the survivors of 15 cohorts surrendered by C. Antonius.[5] The recruits in Greece and Epirus are distinguished from local auxiliaries and must have been drawn from local Italian residents. In addition 2,000 *evocati* served in a separate unit. Later, Pompey was joined by Scipio with 2 legions from Syria, survivors of Gabinius' and Crassus' army, and a few cohorts Afranius brought from Spain.[6]

Pompey's legates in Spain had 6 regular legions under their command (5 in Nearer Spain), together with a *legio vernacula* in Further Spain. The 2 legions in Further Spain are said to have been brought up to strength by a levy at the outset of the war.[7]

In Africa there were 3 Pompeian legions in 49; at least 2 and probably all had been raised locally (Chapter XXV, section iii). It may be supposed that at this stage of the civil war the Pompeian leaders would have relied mainly on Italians, and that the recruits were therefore mostly settlers in the province.[8]

[1] For the legions 49–42 B.C. A. von Domaszewski, *Neue Heid. Jahrb.* iv, 1894, 157–88 is fundamental. The evidence for 44–30 has been carefully investigated by W. C. G. Schmitthenner, *The armies of the triumviral period, a study of the origins of the Roman imperial legions, 1958*, an Oxford doctoral thesis, unfortunately not yet published. My own conclusions do not always agree with those of Domaszewski or Schmitthenner.

[2] Caes. *BC* iii. 88. 2. [3] *BG* viii. 54, etc. [4] App. *BC* ii. 34.

[5] Caes. *BC* i. 25; iii. 4; Plut. *Pomp.* 62. For Antonius' cohorts Oros. vi. 15. 9.

[6] Caes. *BC* iii. 4, 88; App. *BC* ii. 49.

[7] See Caes. *BC* i. 38 f.; ii. 18. 1; 20. 4. [8] See pp. 229 f.

By the time that the war was renewed in Africa in 46 the Pompeians had 10 legions and king Juba 4.[1] The latter were obviously Numidians organized on the Roman model, like king Deiotarus' Galatian legions. The nucleus of the other legions must have been comprised of the 3 legions under the command of Attius Varus and Considius in 49 and of 15 cohorts which had accompanied Cato from *Dyrrhachium*;[2] the only Pompeian troops which escaped from Pharsalus to fight again seem to have been the Gallic and German cavalry who fled with Labienus.[3] The remaining 5½ legions were evidently raised locally. It is clear that not all were Roman citizens of free birth; we hear of 'stipendiarii aratores' recruited before the harvest of 48, of Africans, freedmen, and even slaves enlisted.[4] The majority of the Pompeian legionaries may well have been non-Roman, and despite Labienus' claim that their loyalty was secured by three years' service, not all had been so long with the standards;[5] probably the experienced soldiers had been distributed throughout the legions. The total number of troops in the armies of Scipio and Juba may have been about 60,000 if the legions were no stronger than at Pharsalus, but some were distributed in garrisons. It is said that 50,000 were killed at Thapsus and many others put to flight; no doubt the figure for killed is grossly overstated.[6] The Pompeian soldiers who escaped to Spain were organized there into only one legion.[7]

In 45 the younger Cn. Pompeius had 13 legions, but only 4 had 'aliquid firmamenti', viz. 2 which had deserted from the Caesarian governor, and which were probably those Varro had commanded in Further Spain (pp. 231, 473), a legion raised from the local colonies, and that which consisted of the survivors from Africa.[8] The rest must have been composed of Spanish recruits.[9] At Munda 11 legions were present, i.e. about 45,000 men; of these 33,000 are said to have been killed, probably another exaggeration.[10] Some of the survivors were among those who joined Sextus Pompey, who by 44 had raised an army formidable to Asinius Pollio with his 3 legions in south Spain (*infra*).[11]

(ii) *Caesar's Legions*

Caesar began the war with 10 legions, including one *legio vernacula*, V Alaudae.[12] He had already started recruiting (see pp. 467 f.), and continued

[1] *B. Afr.* 1. 4.

[2] Plut. *Cato Min.* 55; *contra* Rice Holmes iii. 475, Italians, not local levies in Macedon, who would not have followed him to Africa.

[3] Rice Holmes iii. 431 f.

[4] *B. Afr.* 20. 4, 36. 1, 35. 4 ff.

[5] Ibid. 19. 3, but cf. 36. 1.

[6] Ibid. 86. 1; Plut. *Caes.* 53. 2.

[7] *B. Hisp.* 7. 4.

[8] *B. Hisp.* 7. 4, 30. 1, and 31. 11 make all 13 present at Munda, but see 34. 2 for 2 others at Corduba; Cic. *Fam.* vi. 18. 2 for 11 at Munda. I adopt Holmes's view (iii. 542). See also pp. 230 f.

[9] *B. Hisp.* 42. 6.

[10] Ibid. 31. 9.

[11] Dio xlv. 10. Cic. *Att.* xvi. 4. 2 credited Sextus with 7 legions.

[12] Chapter XXV, section v (*b*).

after Pompey fled from Italy;[1] in addition he took into his service over 60 cohorts raised by Pompey's officers.[2] Thus new legions were constantly being formed. In Spain he disbanded the 5 Pompeian legions which fought under Afranius and Petreius (though some cohorts escaped in the end to join Pompey in the east)[3] but retained in service the second and 'vernacular' legions under Varro; they remained as a garrison in Further Spain, together with 2 legions recently enrolled in Italy and numbered XXI and XXX, which seem to have arrived before Caesar left.[4] It seems probable then that he had formed new legions bearing numbers from XV to XXX at least by the summer of 49. He had already taken over a Pompeian legion now or previously numbered II in Spain, and I do not doubt that he also had legions numbered I, III, and IV.[5] Be that as it may, in summer 49 he must have raised not less than 16 new legions. Of these 2 were lost with Curio in Africa,[6] and the capture of 15 cohorts commanded by C. Antonius doubtless led to the disappearance of 2 more (p. 473). But with his veterans and with the 2 Varronian legions, Caesar still had *not less than* 24 legions, perhaps 27 (if any of his legions were numbered I, III, and V), including 2 *legiones vernaculae* (Alaudae and that serving in Spain). He had 4 in Further Spain (*supra*), and perhaps 4 in Nearer Spain,[7] 2 left at Massilia after its fall,[8] 1 in Sardinia,[9] and probably 2 in Sicily, those which Curio left there.[10] This leaves 11 or 14.

Caesar tells us that he had 12 for his crossing of the Adriatic early in 48,[11] and in the event he was so short of transports that he could embark only 11 rather depleted legions.[12] He had to leave some troops to garrison Italy. Thus, during his absence the praetor, Pedius, suppressed Caelius' *émeute* with 1 legion.[13] In 48 Cornificius began to operate in Illyricum with 2 legions, probably composed of new Italian levies,[14] and Gabinius was later ordered to his aid with new 'legions'; according to Appian his force amounted to only 15 cohorts.[15] In 48 before Pharsalus Caesar's legions should have numbered at least 27, and 31 is a more probable minimum.

[1] Cic. *Att.* vii. 18, 2; ix. 19. 1, etc.
[2] *BC* i. 12, 13, 15, 18, 23–4.
[3] *BC* i. 87. Dio xli. 23. 1 says that Caesar accepted Pompeian volunteers for his own army.
[4] *BC* ii. 21. 4; *B. Alex.* 53, 54, 57.
[5] I doubt if Caesar renumbered the legion in Further Spain, and though it is first given the number II in relation to events of 48, it had probably had that number before 49, *contra* Domaszewski (cf. p. 448 n. 1). A Caesarian *legio* III first appears in 45 (*B. Hisp.* 30); IV ranked as a veteran legion in 44–43.
[6] *BC* ii. 23. 1; few survivors, Oros. vi. 15. 9.
[7] Late in 48 the governor, Lepidus, intervened in Further Spain with 35 cohorts, *B. Alex.* 63. 1.
[8] *BC* ii. 22. 6.
[9] Ibid. i. 30.
[10] Ibid. ii. 23. 1.
[11] *BC* iii. 2.
[12] Ibid. 6, 29.
[13] Ibid. 22.
[14] *B. Alex.* 42. 2, cf. Rice Holmes iii. 476 f.
[15] *B. Alex.* 42. 4, 43. 3; App. *Illyr.* 12.

After Pharsalus he formed 3 or 4 new legions from among over 24,000 Pompeian prisoners; two were numbered XXXVI and XXXVII, and the other one or two either XXXIV–XXXV or XXXVIII–IX.[1] By this time at latest we can assume that Caesar would not have scrupled to use the numbers I–IV, which on one view were reserved to consular legions, since he was consul in 48, and he must therefore have had in his service either 33 or 35 numbered legions, one of which was the vernacular V Alaudae. Of these, 4, under Curio and C. Antonius, had been lost (or had disintegrated), and perhaps not replaced, leaving 29 as a minimum. There must be added 2 other unnumbered *legiones vernaculae*, the Pompeian legion in Spain and a local unit raised there by his legate, Q. Cassius.[2] If on the other hand XXXVI was the *lowest* number assigned to any of the legions formed after Pharsalus, then the legions in his service had been 35 numbered plus 2 'vernacular'; and of the former at least 31 were still in being. At the same time Pompey had 11 legions under his own command and his officers in Africa 3. Thus 45 or 47 legions, if not more, mainly Italian in composition, were in the field in the summer of 48.

In totalling legions under service thereafter we may neglect the new Pompeian legions levied in Africa and Spain, since they certainly included many provincials and indeed were probably for the most part non-Italian. (The second and 'vernacular' legions which had been in Further Spain in 49 seem to have espoused the cause of Pompey's sons (p. 231) and to have disappeared as a result of their defeat.) With Caesar's formation of 3 or 4 legions out of Pompey's army the number of legions in service declined by 7 or 8 (11–3 or 4). Further developments are not easy to follow. The legion formed 'ex tumultuariis militibus in Ponto' was probably another *legio vernacula* and may not long have survived, though it was perhaps one of the 2 legions Caesar left in Pontus in 47.[3] In addition Caesar assigned a single legion to

[1] *BC* iii. 99. 3. Domaszewski argued for 4, Rice Holmes iii. 476 f. for 3. The number of ex-Pompeians was certainly adequate for 4, but Plutarch, *Caes.* 46, perhaps drawing on Pollio, says that Caesar incorporated only most of them in his own army; for the possibility that some were settled in colonies cf. p. 255. Two ex-Pompeian legions are directly attested; Caesar says that he ordered up from Asia to Egypt 'legiones alias quas ex Pompeianis militibus confecerat' (*BC* iii. 107. 1); of these XXXVII arrived in time to fight, but the other, which marched through Syria, did not (*B. Al.* 9. 3; 34. 3). Domitius Calvinus who dispatched them to Caesar needed his third legion for the war with Pharnaces; 'unam ex tribus, XXXVI, secum ducit' (ibid. 34. 3); the formulation suggests that this legion too was ex-Pompeian. Domaszewski supposed that a fourth was with Cornificius, but this cannot be proved (cf. p. 475 n. 14). Plutarch, loc. cit., and Dio xli. 62. 1 seem to think that he drafted Pompeians into his existing legions, and Holmes iii. 476 supposes that he used 6,000 Pompeians to strengthen them. But on any such view the depletion of the VIth is inexplicable. Cf. now Botermann 190 ff.

[2] *B. Alex.* 50. 2, 54. 2. See p. 231.

[3] Ibid. 34, 39 f., 77. Schmitthenner 18 ff. holds that the *legio Pontica* was dissolved. I do not consider that the silence of our sources about its continued existence need be significant; it is more material that Antistius, acting governor of Syria, seems to have had only 1 legion to repress Bassus before Staius Murcus arrived. The question should be left open.

Syria[1] and 3 or 4 to Egypt.[2] Among the last only 2 can be identified, XXVII (raised in Italy in 49) and XXXVII, one of the ex-Pompeian legions (p. 476 n. 1); another of the ex-Pompeian legions may well have been in Egypt. Caesar may also have enlisted Roman soldiers who had remained at Alexandria after Gabinius' expedition as mercenaries for king Ptolemy;[3] they would hardly have constituted a legion by themselves, but might have formed the cadres for one mainly composed of other soldiers from that army, another *legio vernacula*. On the other hand, though it is not recorded, it is conceivable that one or more new legions arrived in the east from Italy.

In 46–45 Caesar was engaged in discharging his Gallic legions and by his death they had ceased to exist.[4] His projects for conquests in the Balkans and in the east, coupled with the need for garrisons elsewhere, required their replacement. We know by chance of a legion raised in 45.[5] There must have been many more. The evidence on the confused events that followed his assassination shows that in March 44 there were not less than 34 legions in the field. We have to distinguish them carefully from those formed after Caesar's death.

In Italy itself Lepidus commanded a legion stationed on the Tiber island, which presumably left with him for Spain and is to be counted among the legions there (*infra*).[6] Schmitthenner has argued that there were 2 legions in Italy in April 44. He cites a letter of that time in which Cicero refers first to legions in Gaul, secondly to legions 'quae fuerunt in Hispania' and thirdly to legions 'transported' from one region to another, neither of which is specified, by an officer whose name is uncertain, but who is generally believed to be Asinius Pollio. If 'Asinius' is correctly read, then we may have a distinction between (*a*) legions which had been in the Spanish provinces ever since Munda and (*b*) legions taken to Spain by Asinius. I have argued that the officer concerned was more probably

[1] According to the MSS. of *B. Al.* 66. 1 Caesar 'Sextum Caesarem . . . legionibus Syriaeque praefecit' in 47 B.C. Domaszewski, 173 n. 2 amended to 'legioni' on the grounds (*a*) that a number would have been stated with the plural (but cf. *BC* iii. 107. 1); (*b*) that other sources give only a single legion. That is not quite true (cf. Dio xlvii. 26. 7); but *Per.* Livy cxiv; App. iii. 77; iv. 58 give only one legion. There is better evidence: Caecilius Bassus took over Sex. Caesar's army, apart from a few soldiers who retired to Cilicia (Dio xlvii. 27. 1), and raised another legion locally (ibid. 27. 2 cf. App. iii. 77–8; Str. xvi. 2. 10), but Cassius, ignoring the latter, refers to Bassus' legion (*Fam.* xii. 11. 1, 12. 3). It follows then that Sex. Caesar had had only one legion; Dio's contrary statement can be explained by supposing that he included Bassus' local legion in his army.

[2] The author 'de bello Alexandrino' merely says that Caesar took VI with him when he departed from Alexandria and left the other legions there (33. 3); the previous narrative mentions only XXVII and XXXVII. The ex-Pompeian legion which had been marching through Syria (p. 476 n. 1) may ultimately have arrived, though in Domaszewski's view it was allotted to Sex. Caesar (last note). See p. 480 on legions in Alexandria.

[3] Caesar *BC* iii. 110.

[4] Chapter XIX, section v.

[5] Cic. *Fam.* x. 24. 3. In the triumviral period a *legio* XXXXI is attested (*ILS* 2230–1). Schmitthenner argues that all legions with high numbers are Caesarian in origin.

[6] App. *BC* ii. 118, 126. For various theories about this see Botermann 197 ff.

M. Acilius Caninus or Canianus, who might have transported legions across the Adriatic, and that Cicero had in mind the legions in Macedon, moved thither from Spain after Munda, and also from Italy or Sicily by Acilius. This is uncertain, but in any event the letter affords no evidence for the presence in April 44 of legions in Italy.[1] In our accounts of events from the autumn of 44 the only legions we find in Italy are (*a*) those brought over from Macedon by Antony; (*b*) V Alaudae; (*c*) legions newly raised from veterans and recruits by Octavian, Antony, and the consuls of 43. Schmitthenner, indeed, supposes that V Alaudae, which had certainly fought in Spain,[2] was one of the legions whose presence in Italy as early as April Cicero in his view implied. We could still ask which other legion or legions were then in Italy. But V Alaudae itself is not clearly attested as in Antony's service before the autumn and it is natural to suppose that it is identical with the legion which, according to Appian, Antony had then formed of discharged veterans.[3] We might expect V Alaudae, like the other Gallic legions, to have been demobilized, and this expectation is surely confirmed by Cicero's allusions to the way in which Antony enrolled common soldiers from this legion in the judicial decuries; Schmitthenner ascribes these allusions to 'rhetorical imagination', but they could not even have had any plausibility, unless some of the legionaries concerned had been discharged and settled in Italy. Both Caesar and Antony were so little bound by convention that I do not consider it with Schmitthenner 'out of the question' that these natives of Transalpina should have been promised or awarded lands in Italy.[4] I, therefore, conclude that in March 44 Lepidus' legion was the only legion stationed in Italy (whence it proceeded with Lepidus to his province), though there were some legionaries detached from their units at Brundisium and elsewhere.[5]

Appian states that in November 44 there were 4 legions under Lepidus (in Nearer Spain and Narbonensis), 2 under Asinius Pollio (in Further Spain), and 3 under Munatius Plancus (in Gallia Comata). Schmitthenner

[1] Cic. *Att.* xiv. 5. 1; 'quid tu illas putas quae fuerunt in Hispania? . . . quid, quas Annius transportavi(t)? †caninium† volui, sed *μηχανικῶν ἀμάρτημα*' (see Shackleton Bailey's text, his note ad loc., and reply, *CR* xii, 1962, 196 f. to my note, ibid. xi, 1961, 199 f.; and cf. Schmitthenner 9).

[2] *B. Hisp.* 23, 30.

[3] *Att.* xvi. 8. 2 (2 Nov.); App. iii. 46, cf. 4 f. for his bodyguard, allegedly of 6,000 *evocati*, mentioned in *Fam.* x. 30. 1.

[4] *Phil.* i. 20; v. 12; xiii. 3, 37, Schmitthenner 169 n. 11, 170 n. 14. Botermann 181 ff. also holds that V Alaudae was still in Italy, ready to take part in the Parthian campaign, and distinguishes it from Antony's *evocati* (last note).

[5] They rallied to Octavian on his arrival, App. iii. 11. They were probably men guarding the supply base, or left behind because of sickness (for a parallel cf. *B. Alex.* 44. 4) when their comrades destined for the Parthian war crossed the Adriatic (*Att.* xiv. 5. 1). Octavian had already secured the services of men from the garrison of Apollonia (Dio xlv. 3) and later secured those of other soldiers on miscellaneous duties passing through Brundisium (App. loc. cit.).

contends that Appian gives 'the effective forces with which the commanders sided afterwards with Antonius (in summer 43)'.[1]

In 43, when Plancus joined Antony with 3 legions and Pollio with 2,[2] each had other legions in reserve (*infra*). And Appian's statement that Lepidus became Antony's ally with 7 legions is most naturally read as meaning that he actually joined him with so many; Schmitthenner himself allows him 5 or 6 at the time of junction.[3] This alone shows that Appian's numbers for November 44 are not retrojected from the next summer. By that time Lepidus had reconstituted the old 10th 'with *others*', in fact 2 other legions, increasing his army from 4 in November 44 to 7.[4] Similarly, Plancus had raised 2 new legions at the time when he joined Antony with his 3 'veteran' units;[5] probably only one of the new legions was ready for action.[6] Pollio's third legion is also not attested before June 43.[7] He too might have formed a new legion. However, Pollio himself describes his three legions at that time as 'firmas', and as the context shows that this cannot mean 'loyal', it seems to indicate that all were well trained.[8] Another argument will be deployed later to show that he had 3 legions even in 44 (p. 491). Thus, Appian seems to be mistaken about the strength of Pollio's army in November 44. Schmitthenner's theory accounts for his error on this point, but does not seem to fit the facts regarding Lepidus' army.

In Gallia Cisalpina D. Brutus had at first only 2 legions.[9] The 'veteran' army in Africa was apparently composed of 3 legions under Sextius, the governor of Africa Nova, who in summer 43 was ordered to send 2 to Italy and the third to serve under Cornificius, the Republican governor of Africa Vetus.[10] An allusion in a letter to Cicero also implies that there was at least 1 legion in Sardinia at that time.[11] In 40 2 legions were stationed there,[12] but by then the garrison had probably been strengthened for security against Sextus Pompey. It seems probable that in 43 there was no more than a single legion on the island; it cannot have been newly raised since Caesar's death, as legionaries could hardly be enlisted there, and was probably the same which Caesar had sent thither in 49 (*supra*).

The total of legions in the west at Caesar's death was thus 15, or 16 if we believe that Pollio had 3 legions. In July 44 Sextus Pompey, who was

[1] App. iii. 46; Schmitthenner 171 n. 30.
[2] App. iii. 97.
[3] App. iii. 84; Schmitthenner 37.
[4] *Fam.* x. 11. 2; App. iii. 83.
[5] *Fam.* x. 8. 6, 24. 3; App. iii. 97.
[6] *Fam.* x. 15. 3; cf. 24. 3.
[7] *Fam.* x. 32. 4.
[8] *Fam.* x. 32. 4, 24. 3 (note 'firmitate'). Pollio succeeded C. Carrinas, whom Caesar had sent 'with a stronger army' to fight Sex. Pompey (App. *BC* iv. 83–4), but had himself had very indifferent success in the fighting (cf. *MRR* ii. 327). He therefore had a need for more troops. His legions numbered XXVIII and XXX (*Fam.* x. 32. 4) had been formed in 49; the third could easily have been raised from old soldiers in Spain.
[9] Nic. Dam. *FGH*, no. 90, F 130. 112, cf. App. iii. 49; *Fam.* x. 24. 3.
[10] App. iii. 85, 91 f., cf. *Fam.* x. 24. 4; xi. 14. 3, 26.
[11] *Fam.* xi. 26.
[12] App. v. 56.

fighting the Caesarians in Spain and whose activity probably necessitated the retention of legions in Africa and Sardinia, was rumoured to have mustered 7 legions,[1] but even if the report was accurate, very few of his soldiers can have been Roman citizens, and these legions need not enter into our computations.

In the east there were 3 legions in Illyricum,[2] 6 in Macedon,[3] and 6 in Syria under Staius Murcus and Marcius Crispus, besieging Apamea, where Caecilius Bassus had risen in revolt with the legion Caesar had left in the province and had raised a *legio vernacula*;[4] it seems that the garrison left in Pontus had been brought up for the siege (p. 476 n. 3). Suetonius states that Caesar had left 3 legions in Egypt,[5] but in early 43 Allienus commanded 4 there. According to Dio all had been left in Egypt by Caesar, and in that case Suetonius must be in error. Appian says that they were in part composed of survivors of Pompey's and Crassus' armies.[6] But Crassus' surviving soldiers had surely been incorporated in the 2 legions which were defending Syria in 50: how would they have reached Egypt? One might conjecture that Appian confused Crassus' and Gabinius' men (cf. p. 461 n. 5). The reference to Pompeian veterans is justified in the sense that at least one of the legions Caesar left at Alexandria, and perhaps two, had been formed from the survivors of Pharsalus (pp. 476 f.). Most probably, Suetonius is right that Caesar left only 3 legions in Egypt; the fourth in Allienus' army must then have been dispatched from Italy to Alexandria on Caesar's orders *en route* for the projected Parthian campaign.[7] It is evident that all but one or two of the Syrian legions had similarly been sent east since 47. Many of these units had probably been raised as lately as 45. The total number of legions in the east was thus 19, of which the vernacular *legio Pontica* may have been one, plus Caecilius Bassus' Italian and 'vernacular' legions. One of the legions at Alexandria may also have been 'vernacular'.

In March 44 then between 34 and 36 Italian legions (including that under Bassus) were in arms. Of these 16 were designated for the Parthian war; these were probably the 6 in Macedon, the 6 in Syria, and the 4 in Egypt.[8]

(iii) *Legions, 44–42 B.C.*[9]

The renewal of turmoil and outbreak of civil war in 44 led to redeployment of the legions already existing and to new levies. According to Appian the 6 legions in Macedon were first reduced to 5 by the transference of one to Dolabella; Antony then brought over 4 to Brundisium and sent them to Ariminum; *en route* the Martian and fourth legions deserted to Octavian, but as a result of the arrival of the remaining legion from Macedon,

[1] *Att.* xvi. 4. 2. [2] App. iv. 75; *Illyr.* 13. [3] App. iii. 24.
[4] App. iii. 78; iv. 58, cf. p. 477 n. 1 and p. 486 *infra*. [5] *Caes.* 76.
[6] *Fam.* xii. 11. 1; App. iii. 78; iv. 59; v. 8; Dio xlvii. 28. 3.
[7] Nero sent troops to Alexandria *en route* for an eastern war (Tac. *Hist.* i. 31. 3, 70. 1).
[8] App. ii. 110. [9] See Addenda.

Antony still retained 3 Macedonian legions in Cisalpina, together with a reconstituted legion of veterans, known from Cicero to be V Alaudae. This is not quite correct; it is clear that one of Antony's legions remained in Macedon, and a contemporary letter of Octavian to Cicero (November 44) shows that at first Antony transported only 3 of his legions to Brundisium (perhaps because of shortage of shipping); it was, therefore, a fourth and not a fifth Macedonian legion which joined him later, and he retained only 3, not 4, veteran legions in Cisalpina;[1] though by 10 January 43 he had 6 legions. Of these 3 must have been newly formed, and since he wished to strengthen them out of D. Brutus' army, they were perhaps weak.[2]

In the meantime his adversaries had also been recruiting. Octavian reconstituted the old Caesarian legions VII and VIII from colonists in Campania and Etruria;[3] the veterans must have been few (p. 319 cf. 260 ff.), and their ranks must gradually have been filled with new soldiers. He also formed an entirely new legion.[4] In Cisalpina D. Brutus raised 2 more legions before the siege of Mutina.[5] In 43 the consuls levied 5 more legions, of which 4 took the field to relieve Mutina while 1 (*legio urbana*) remained at Rome,[6] and on Antony's behalf Ventidius raised 3 more, partly at least in Picenum and Etruria; they included some veterans; they were numbered VII, VIII, and IX.[7]

At the battles outside Mutina Antony's 2 Macedonian legions (II and XXXV) were cut to pieces, and he escaped into Gaul, according to Lepidus,

[1] App. iii. 24 f., 43, 45 f.; *Att.* xvi. 8. 2; *Phil.* iii. 6 f., 31, x. 13; *Fam.* xi. 7. 2; xii. 23. 2 (which only shows that in October 44 Octavian expected 4 Macedonian legions to arrive at Brundisium). V Alaudae: *Att.* xvi. 8. 2, cf. p. 478.

[2] *Phil.* viii. 25, 27. Recruiting: vii. 21 (cf. App. iii. 46 for enlistments as early as Nov. 43). Pollio had heard in May or June 43 that after Mutina Antony had only 'legiones sub signis armatas tris et P. Bagienni unam, inermis bene multos' and that Brutus had secured 'cohortis xvii et duas non frequentis tironum legiones, quas conscripserat Antonius' (*Fam.* x. 33. 4–5); the total corresponds to that claimed by Antony before Mutina with 17 more cohorts, and suggests that Bagiennius' legion, raised from Alpine tribesmen, who were probably not Roman citizens (O. E. Schmidt, *Philologus* li, 1892, 86 ff.), had been formed before the battle (*contra* Schmitthenner 40); but Pollio depended on hearsay, cf. p. 482 nn. 1, 7. *Fam.* xii. 5. 2 says that Antony had only three towns in Cisalpina: Bononia, Regium, and Parma; of these he had sacked the last (ibid. x. 33. 4; *Phil.* xiv. 8); it was, therefore, hard for him to raise troops in a land predominantly hostile, cf. *Phil.* v. 36; xii. 9; *Fam.* xi. 19. 2; even later there was 'Republican' sentiment in Transpadana (Suet. *Rhet.* 6).

[3] *Att.* xvi. 8. 1–2, 9, 11. 6; *Phil.* xi. 37; Nic. Dam. (Jacoby, no. 90) F 130. 112, 130, and 138; App. iii. 40, 42; Dio xlv. 12. 2 and 6.

[4] App. iii. 47, cf. Nic. Dam. F 130. 138.

[5] *Fam.* xi. 7. 3; *Phil.* v. 36; xii. 9; App. iii. 49, cf. 97 (2 new legions, successively formed, brought his strength up to 4 during the siege of Mutina).

[6] *Fam.* x. 30. 1; Obsequens 69; App. iii. 91 f. Following Domaszewski, Schmitthenner 32 rightly identifies the *legio urbana* attested by inscriptions of men settled after 32 at Ateste (*ILS* 2236, etc.) with the legion raised by Pansa and left at Rome in 43.

[7] *Fam.* x. 33. 4, 34. 1; xi. 10. 3, 13. 3; *Phil.* xii. 23; App. iii. 66, 80. Botermann 196 f. rightly infers from these numbers that the cadres of these legions consisted of those among Caesar's veteran colonists who inclined to Antony, not Octavian; for this class see her remarks on pp. 41, 43 ff. 74 ff.

with only V Alaudae intact, and a great mass of unarmed men; Decimus Brutus thought or wished it to be thought that he had only a small following without arms; the rumours which reached Pollio that he retained 4 armed legions, besides a good number of unarmed men, were presumably unreliable; however, he was eventually joined by Ventidius' 3 new legions, and the *inermes* could, of course, be reorganized into regular legions as soon as they could be equipped.[1]

The army which defeated Antony comprised (i) the fourth and Martian legions which Octavian had transferred to the command of the consul Hirtius;[2] (ii) 4 legions of recruits under command of the consul Pansa; (iii) the old seventh and eighth legions reconstituted by Octavian, together with his new legion of recruits (p. 481 nn. 3–4). D. Brutus had 4 legions inside Mutina. The total number of legions engaged against Antony at this time was, therefore, 13. But we find that D. Brutus pursued Antony with 7, and ultimately 10, legions, of which only the 4 which had been under siege at Mutina could be described as 'veterans',[3] while Octavian was able to march on Rome with 8 legions.[4] Thus we have 5 additional legions to account for.

It is certain that after the death of the consuls Octavian resumed command of the fourth and Martian legions. Appian and Dio categorically assert that Pansa's legions were handed over to Brutus.[5] However, Brutus complained that 'de exercitu quem Pansa habuit legionem mihi Caesar non remittit'.[6] Some have taken this to mean that Octavian prevented *any* of Pansa's legions joining Brutus. But on this view Octavian would have had 9, not 8, legions for his march on Rome, and Brutus must have ultimately raised 6 new legions in his pursuit of Antony. Now at an early stage of the pursuit Brutus had 7 legions; this figure is best accounted for by supposing that he secured 3 of Pansa's 4 legions, and his complaint quoted above can be interpreted as meaning that Octavian withheld only *one* of the 4. On this view Brutus raised only 3 additional legions, probably mainly by incorporating some of Antony's broken army; on this point Pollio was rightly informed.[7] Octavian too, having retained only 6 of the 9 legions arrayed against Antony at Mutina, must have recruited 2 more. This is plausible enough; he had leisure, and the manpower of central Italy to draw on, and he too is said to have enlisted Antonian stragglers.[8]

It thus appears that in Italy and Cisalpina the following new legions were

[1] *Fam.* x. 34. 1, cf. 33. 4; xi. 10. 3. D. Brutus also says that Antony had few soldiers besides the Ventidiani (xi. 13. 3). Cf. App. iii. 80. Botermann 193 gives more credence to Pollio (*Fam.* xi. 33. 4).

[2] App. iii. 65, cf. *Fam.* x. 30. 1.

[3] *Fam.* xi. 10. 5, 24. 3; App. iii. 97.

[4] App. iii. 88.

[5] *Fam.* xi. 14. 1, 19. 1; App. iii. 76, cf. Dio xlvi. 40. 1.

[6] *Fam.* xi. 20. 4.

[7] *Fam.* x. 33. 5.

[8] App. iii. 80.

raised in 44–43 (even veteran units must have been filled out with new soldiers), viz.

5 by Octavian (VII, VIII, and 3 entirely new units)
3–4 by Antony (perhaps V Alaudae and 3 new units)
3 by Ventidius (partly composed of veterans)
5 by the consuls
5 by D. Brutus.

Probably none of these legions was 'complete', and 2 of Antony's new legions can probably be reckoned as coming into D. Brutus' service; if we avoid double counting, the total is then 19–20 rather than 21–2.

Recruitment also went on in the western provinces, although probably not on the part of Pollio in Further Spain (see pp. 479, 491). Lepidus, through the agency of Plancus, recalled to the colours the survivors of Caesar's Xth legion settled at Narbo and of 2 other veteran legions.[1] Veterans must have been too few to form more than a nucleus within these re-formed units. Plancus also raised 2 more legions in Gallia Comata (*supra*). As the number of citizens domiciled there was probably not large, these were almost certainly *legiones vernaculae*. In Africa Sextius had a veteran army; in the summer of 43 he dispatched 2 of his 3 legions to Rome, where they deserted the Republican cause for Octavian's; it is not known whether he obeyed the senate's order to hand over his third to the Republican, Cornificius.[2] Probably Cornificius was already striving to form an army of his own, and he succeeded; when fighting broke out between Sextius and himself, he had the larger army, doubtless recruited from the Roman settlers in the old province, while Sextius depended at first on lighter troops, probably native, and obtained the upper hand only when he was joined by king Arabio and the Sittiani.[3] Sextius was, however, the victor, first against Cornificius and later against Fuficius Fango, whom Octavian appointed to succeed him; when he finally handed over the African provinces to Lepidus in 40, he had 4 legions.[4] Of these 3 must have been new formations; whether raised by Cornificius or Sextius himself and at what time and whether or not mainly composed of citizens are questions to which we can give no certain reply. If we assume that they were all raised by Sextius and Cornificius in 43, then the total of new legions (including those with a nucleus of veterans) constituted in 43 in the western provinces was 8 or 9. After the dispersal of much of Antony's army at Mutina there seem to have been 42–5 legions serving in the west, viz.

4 under Antony (including Ventidius' 3)[5]
10 under D. Brutus

[1] *Fam.* x. 11. 2; App. iii. 83 f. Cf. pp. 255, 260 for Caesar's Gallic colonies.
[2] See p. 479 n. 10. [3] *Fam.* xii. 30. 4; *App. iv.* 53–6; Dio xlviii. 21. 1–2, cf. 17. 6.
[4] App. v. 73. Cf. Schmitthenner 93 ff.; Ganther, *Provinzialverwaltung der Triumvirn*, 1892, 17 ff.; *Philol.* liii, 1894, 142.
[5] A minimum figure; Antony was certainly able in due course to form more legions.

7 under Lepidus
5 under Plancus
3 under Pollio
11 under Octavian (including the *legio urbana* and the 2 ex-African legions taken over at Rome)
1 in Sardinia
1–4 in Africa.

Not all the new legionaries can have been Italians even if we reckon expatriates as such. Plancus' new legions can at best have had a core of citizens, and one may suspect that in all the new provincial units non-citizens were readily accepted or conscribed, especially if they had a veneer of Roman culture. Antony allegedly drew soldiers from the *ergastula* on his flight from Mutina,[1] and even earlier, if the enrolment of Bagiennius' legion antedates the battles (p. 481 n. 2), he had not been scrupulous over the status of his recruits. D. Brutus too had incorporated in his legions a large band of gladiators, but some of these may have been citizens.[2] Still, over 20 of the new legions had been raised in Italy and Cisalpina; and Italian residents doubtless yielded a quota to the levies held in the provinces.

Octavian's march on Rome and the disintegration of D. Brutus' army transformed the balance of forces. At Rome Octavian secured control of 3 more legions, the *legio urbana* (p. 481 n. 6) and the 2 veteran legions recently transported from Africa, and the 6 legions most recently formed (3 by Pansa and 3 by D. Brutus himself) of those under D. Brutus' command passed into his service.[3] His strength thus grew first to 11 and then to 17 legions. The 4 legions which had withstood Antony's attack on Mutina under D. Brutus came under the command of their old adversary.[4] The combined forces of Antony with at least 4 legions, now raised to 8, Lepidus with 7, Plancus with 3 (and 2 more in reserve), and Pollio with 2 (and another in reserve) now amounted to 20 (with 3 in reserve), not counting the unarmed rabble, the remnants of Antony's defeated legions, who had accompanied him on his flight. Plutarch states that Antony and Lepidus invaded Italy with 17 legions[5]—the larger and better part of their army, according to Dio;[6] presumably they left the more inexperienced men in Spain and Gaul.

According to Appian under the pact of Bononia Antony was to govern Gallia Comata, Lepidus Narbonensis and Spain, Octavian Sardinia, Sicily, and Africa. Appian further implies that Octavian had 17 legions, Antony 16, and Lepidus 10; since Antony and Octavian were to fight the 'Liberators', Lepidus lent 3 to Octavian and 4 to Antony, in order that each might be in command of 20 legions. It follows that Appian conceived that the triumvirs had in all 43 legions.[7] These figures do not quite agree with

[1] *Fam.* xi. 10. 3. [2] App. iii. 49; cf. Nic. Dam. F 130. 49. [3] App. iii. 97.
[4] Ibid. [5] *Ant.* 18. 4. [6] xlvi. 54. 1. [7] App. iv. 3.

our previous computations. Octavian certainly had 17 legions, not counting those in Sardinia and Africa, which were nominally but not in reality under his control, and which are presumably excluded from Appian's estimates. Lepidus' 10 legions can be explained by reference to the fact that both Spanish provinces were placed under his authority; this should have entailed that Pollio's 3 legions were formally part of his allotment. Pollio, it is true, had joined Antony, but that need not have affected the nominal distribution of the legions, especially as Lepidus was in fact required to lend 7 of his legions to his colleagues. But Antony had, so far as we have yet seen, only 13 legions (including 5 under Plancus, whose province was allotted to him). It can, however, easily be assumed that his unarmed rabble was again formed into 3 legions (they included survivors from 5). With this assumption everything is in order.

Though 40 legions were marked out for the Philippi campaign, it is clear that only 21 or 22 actually took part in it. Appian expressly says that 19 were present in the triumviral army at the first battle; to these we must add 2 legions lost at sea, of which Martia was one, and probably 1 protecting the base at Amphipolis.[1] At the second battle Appian mentions the presence of only 16 legions; Schmitthenner plausibly argues that 3 had virtually disappeared as a result of the loss of 16,000 men in the previous engagement.[2] The remaining legions at the disposal of the triumvirs could probably not have been maintained in Macedonia and were needed for the defence of Italy and the provinces; indeed further recruiting went on (*infra*). Appian describes the triumviral legions at Philippi as 'full',[3] and this probably implies that they had been strengthened by new enlistments or by transferences from legions left at home during the winter 43–42; it is most unlikely that as early as the autumn of 43 the newly formed, or re-formed, legions were yet at full strength, and the legions engaged at Philippi cannot all have been units raised before 44.

We may now turn to the Republican armies. Brutus in 44–43 mustered 8 legions in Macedon and Illyria.[4] His forces consisted of the following elements:

(*a*) Pompeian survivors from Pharsalus;[5]

(*b*) stragglers from the legion Dolabella had taken from Macedon to Asia;[6]

(*c*) presumably Roman residents in Macedon, Greece, and Illyricum, such as the poet Horace; Cicero speaks of a levy in Macedon, but he may be thinking of the conscription of provincials;[7]

[1] iv. 108, cf. 115 f. and 107. [2] Ibid. 112, cf. Plut. *Brut.* 45 (Messalla's memoirs).
[3] iv. 108. [4] App. iii. 79; iv. 75, 88.
[5] Plut. *Brut.* 25; Dio xlvii. 21; cf. Caes. *BC* iii. 99. 4.
[6] Dio, loc. cit. (unless he refers to the cavalry intended to follow Dolabella, cf. Plut., loc. cit; *Phil.* x. 13; *MRR* ii. 327 on M. Appuleius).
[7] *Phil.* x. 13; xi. 27; Hor. *Sat.* i. 6. 47 ff.; Plut. *Brut.* 24.

(*d*) volunteers from Italy;[1]
(*e*) 3 depleted legions under P. Vatinius in Illyricum;[2]
(*f*) 1 legion under L. Piso, 'legatus Antoni', the only survivor of the original Macedonian army of 6 legions;[3]
(*g*) troops under C. Antonius, which held out at Apollonia for some time after Piso's surrender; Cicero describes them as 'some cohorts';[4]
(*h*) 2 *legiones vernaculae*, recruited from Macedonians.[5]

It is clear that 3 legions were drawn from classes (*a*)–(*d*), (*f*), and (*g*). Appian (iv. 75) speaks of his capturing a legion from C. Antonius; this might be a confusion with the surrender of Piso's legion, not mentioned otherwise by Appian, but I am disposed to think that C. Antonius had brought with him from Italy some hastily raised cohorts, which formed the nucleus of one of Brutus' legions.[6]

In Syria Cassius obtained the allegiance of the 6 legions besieging Bassus in Apamea (p. 480), and later of Bassus' legitimate legion; it is clear that Cassius, at the time when he reported these events to Rome, did not count the *legio vernacula* which Bassus had levied locally (ibid). Later (March 43) he won over the 4 legions from Alexandria under Allienus. Finally he forced Dolabella to kill himself and acquired the command of the legion he had brought from Macedon.[7] Dolabella too had levied another legion in Asia, chiefly at Tarsus and Laodicea, but the native conscripts dispersed.[8] Cassius should thus have had 12 legions, 2 perhaps 'vernacular', the *legio Pontica* (p. 476 n. 3) and one from Alexandria (p. 480), the rest Italian. Bassus' *legio vernacula* is excluded from this computation. However, Appian gives him 12, before he had eliminated Dolabella, and this is of course not disproved by the fact that he besieged Dolabella with only 10,[9] not his entire army on any view. Dio expressly says that he took over Bassus' legions; and it therefore seems best to assume that he did take over Bassus' local unit, even though he said nothing of this in letters to Rome. Thus his army ultimately consisted of 13 legions, of which at least one, that raised by Bassus, was a *legio vernacula*.[10]

Cassius did not bring all his forces to Philippi; he left one legion in Syria and detached another to the Peloponnese under the command of Statius Murcus; later Domitius Ahenobarbus was sent with a third by Brutus and

[1] Cic. *ad Brut.* ii. 4. 4.
[2] *Phil.* x. 13; Vell. ii. 69; App. iii. 75; Dio xlvii. 21. App. iii. 13 says Vatinius had lost 5 cohorts in fighting the Dalmatians.
[3] *Phil.* x. 13. [4] *Phil.* xi. 26. [5] App. iii. 79; iv. 75.
[6] Cicero (*ad Brut.* i. 2. 1) estimated Brutus' strength in May at 5 legions; obviously not counting those formed from Macedonians and from C. Antonius' cohorts (though they had surrendered before 1 April, *ad Brut.* ii. 3. 2). Velleius ii. 69, giving Brutus 7 legions, likewise overlooks the last that was formed, or is just inaccurate.
[7] *Fam.* xii. 11. 1, 12. 3; *Phil.* xi. 4, 16; App. iii. 25, 78; iv. 62.
[8] *Fam.* xii. 13. 4, 15. 7; App. iv. 60. [9] *Fam.* xii. 13. 4.
[10] App. iii. 78; Dio xlvii. 28. 1. Vell. ii. 69. 2 gives Cassius only 10 legions.

Cassius to assist Murcus in controlling the Adriatic.[1] Appian states that Cassius had 9 and Brutus 8 in the battle line and yet that their combined total was 19; the last figure can hardly be amended, since it recurs.[2] Probably Appian has carelessly included in this total the 2 legions under Murcus and Domitius, thinking of the Republican forces engaged in the campaign rather than in the battle. This hypothesis leaves 2 other legions belonging to Cassius to be accounted for. One is attested in Syria (*supra*); the second, doubtless the *legio vernacula* raised by Bassus, was perhaps used to provide garrisons in Asia and Rhodes.[3]

Thus the Republican legions probably numbered 21, of which 17 were engaged at Philippi; of these 3 (or 4, if the *legio Pontica* still survived) were *vernaculae*. Most of their legionaries were certainly Italians, enlisted before Caesar's death;[4] Dio is clearly mistaken in asserting that they were mainly provincials.[5] Appian says that the Republican legions were 'not full . . . but mustered about 80,000 men'; probably the figure holds, as it purports to, for all 19 legions engaged in the campaign, of which 2 were absent from Philippi; with the 2 other legions left in the east, Brutus and Cassius might then have had rather under 90,000 men under their command. By contrast, the 19 triumviral legions at Philippi were 'full', and the same may be presumed of the legion at Amphipolis and of the 2 lost at sea. The original triumviral strength may thus be put at 110,000.[6] The 20 or more legions left in Italy and the western provinces may have been relatively weak, not numbering over 80,000 men. Altogether nearly 300,000 legionaries, mostly Italians, were under arms. Losses were heavy. Messalla estimated that at the first battle of Philippi the triumvirs lost 16,000 and the Republicans 8,000 (*supra*), and Appian, who dilates on the slaughter, tells that in all the victors lost as many as the vanquished.[7] Since the triumvirs had suffered more casualties in the first battle, but were victorious in the second, it might be (as Schmitthenner suggests), supposing Messalla to be reliable, that each side counted some 20,000 dead. In addition, the

[1] App. iv. 63, 74, 86.

[2] Ibid. 88, 108. Velleius ii. 65 correctly allows Brutus and Cassius only 17 legions.

[3] Ibid. 74; v. 2.

[4] App. iv. 98, 133, 137.

[5] Dio xlvii. 38. 4, but cf. 39. 3.

[6] App. iv. 88: Brutus and Cassius had *ἑπτακαίδεκα τέλη . . ., ἑπτελὲς οὐδέν, ἀλλ' ἐς δύο που τέλη μάλιστα ἀναληρούμενα†, ὡς γίνεσθαι μυριάδας ὀκτὼ ἀνδρῶν ἀμφὶ τὰς δέκα.* Despite the manifest corruption of the text, the general sense is clear; on average their legions were under 4,000 strong. iv. 108 expressly contrasts the greater strength of the triumvirs' army with 19 full legions. Plut. *Brut.* 38. 3 agrees. Dio xlvii. 37. 6, 38. 2 holds that the triumviral army was smaller, though superior in quality; he may be thinking of the whole armies, including *auxilia*. In any case his authority is not so good as that of Plutarch (who drew on Messalla) and Appian, whose accuracy is in the main confirmed for this period by Cicero's contemporary allusions as well as by internal coherence. (The latter, indeed, gives Brutus and Cassius 17,000 cavalry in iv. 88 and 20,000 in 108, cf. 133; the second figure may be a round estimate, or take account of more Thracian levies.)

[7] Plut. *Brut.* 45. 1; App. iv. 128, 137.

greater part of 2 triumviral legions perished at sea, perhaps some 8,000 men. An impartial observer might have reckoned Philippi a disaster to Rome ranking above Cannae and Arausio.

(iv) *Legions 42–40 B.C.*

After Philippi Antony and Octavian enlisted in their own army 14,000 survivors of Brutus' legions.[1] Schmitthenner conjectures that they took the same course with the garrisons of numerous forts who surrendered and later with the remnants of the Republican army at Thasos under M. Messalla and L. Bibulus, a considerable force.[2] This may be right. Some of the survivors escaped to Staius Murcus and Domitius Ahenobarbus, each of whom was able to double his army and muster 2 legions; Murcus had earlier incorporated some 2,000 men from the 2 legions of the triumvirs destroyed at sea (p. 485 n. 1), and they were also joined by Republican troops from Asia and Rhodes, of which one contingent alone numbered 3,000.[3] Schmitthenner has sought to establish the number of Republican legionaries who were drafted into the triumviral army. Reckoning 20,000 killed and 20,000 who escaped to Murcus and Domitius, he arrives at the figure of 40,000. This computation is unacceptable. (*a*) If as many as 20,000 were killed, many more must have been disabled at least temporarily, and the triumvirs would have had no use for unfit men. (*b*) Murcus and Domitius were reinforced only to the extent of 2 legions, at most 10,000 men, and more than half probably came from Asia or were triumviral prisoners. (*c*) Most of the Republican soldiers probably dispersed, more especially the Macedonian recruits. There is no evidence that soldiers who dispersed were again enlisted by the triumvirs. (*d*) Of men who fought at Philippi 14,000 surrendered at once; it is unlikely that the garrisons of the numerous forts together with the troops who got across the water to Thasos numbered *c.* 26,000 (40,000—14,000). (*e*) It is no less improbable that Republican legionaries preponderated in the armies of Octavian and Antony after the battle. Yet this is what Schmitthenner explicitly holds.

The triumvirs also decided to disband all their time-expired soldiers, except for 8,000 who volunteered for further service and were formed into praetorian cohorts, and to re-form the rest, along with the Republican legionaries, into 11 legions.[4] These 11 legions were presumably full and mustered at least 55,000 men (to whom the praetorian guards must be

[1] App. iv. 135, cf. 131. Strictly, Appian seems to mean that these formed 4 legions of Brutus' army; if so, unlike the rest of the army, they had come out of the battle almost intact. But perhaps they included survivors of other legions too. Most of the defeated army was evidently dispersed, unless the number of killed was far greater than estimated above.

[2] App. iv. 135, 136; *cf.* 38; Schmitthenner 57 ff.

[3] App. iv. 116; v. 2, 25–6. The triumviral soldiers on 17 triremes took the oath to Murcus, i.e. at 130 per ship (Kromayer 483), over 2,000 men.

[4] App. v. 3; Dio xlviii. 2. 3.

added), and the triumvirs will hardly have felt secure if two-thirds consisted of men who had recently fought them with ferocity. It is then improbable that many Republican soldiers were enrolled apart from the 14,000 Appian mentions. On my view, of some 190,000 legionaries who had taken part in the Philippi campaign (including Domitius' and Murcus' original legions) nearly 50,000 had been killed, some 63,000 remained under arms with the triumvirs, and perhaps 16,000 with Murcus and Domitius; the rest had dispersed or were now due to be discharged. (The last class must have included wounded and captured Republicans, who were of course not eligible for lands.)

Of their 11 legions Antony was to take 6, Octavian 5; but in addition Octavian gave 2 from his own quota to Antony for defence in the east in return for a promise of 2 legions Antony had left in Italy under Calenus (p. 488 n. 4). Octavian thus returned to Italy with 3 legions together with the discharged veterans whom it was his task to settle in colonies.

Appian makes Antony assert in Asia that lands and money were due to 28 legions who *μετὰ τῶν συνταξομένων* numbered over 170,000 men, besides his cavalry and *ἕτερος ὅμιλος ἑτέρου στρατοῦ*.[1] Later Manius, his agent in Italy, complained that Octavian had allotted lands to 34 legions instead of the 28 which had 'fought with' the triumvirs. These statements are strange; indeed they puzzled Appian, who observes that the triumvirs had 43, not 28 legions when they made their pact at Bononia (he erroneously writes 'Mutina') and promised rewards to their troops. Appian conjectured that the war had probably reduced 43 legions to 28.[2] But this is not the case. It will presently be shown that while 22 legions had taken part in the Philippi campaign not less than 19 other legions were stationed in Italy, Gaul, and Sardinia. Appian's comment does, however, show that he did not invent the figure of 28 but found it in his source. It may be that he did not understand but actually distorted its significance. The statement he puts into Antony's mouth requires further scrutiny.

Who were the *συνταξόμενοι*? It seems natural to translate 'those who were arrayed with' the 28 legions (i.e. at Philippi) and to suppose (with Evelyn-White in his Loeb translation) that auxiliaries are meant. But in fact 28 legions were not employed in the Philippi campaign, and no auxiliaries are reported there, except for some 2,000 Spartans and cavalry contingents;[3] the latter cannot be intended, as they are separately mentioned in the same sentence. The triumvirs, moreover, found such difficulty in supplying their troops that they are not likely to have brought to the scene of battle more than the minimum forces needed for victory; and they would surely have relied on their best

[1] Appian v. 5. [2] Ibid. 6.
[3] Plut. *Brut.* 41. 4; App. iv. 108.

troops, viz. legionaries supplemented by auxiliary horse. Finally there is no other evidence that lands or money were to be distributed to auxiliaries. It is then hardly possible that Appian found in his source any reference to auxiliaries, other than cavalry. The number of 170,000 can be explained as a round figure for the nominal roll of 28 legions (28× 6,000=168,000). But that does not explain how the figure of 28 legions arose. I conjecture that it denotes the number of legions, whether present during the campaign, or absent but of comparable status, 'in the same category' (*συντασσόμενοι*), from which the recipients of land were to be drawn.[1]

These qualified recipients were not all the soldiers of 28 legions but only veterans. After Philippi the triumvirs dismissed (except for volunteers) soldiers who had served 'their full time' (Appian) or those 'beyond the age limit' (Dio). Of the soldiers who fought in the Philippi campaign it was only these veterans who were entitled to land allotments; it is they whom Appian presumably describes as 'the worthy'.[2] Who were they? Few can have been survivors from Caesar's campaigns down to 48 B.C. Most of them had probably enlisted in 49–48. Under the Table of Heraclea men of under 30 had the special right to stand for local offices if they had served 6 years with the legions.[3] The 'full time' may then be taken as 6 years. Many other soldiers who had fought at both Mutina and Philippi remained with the standards; some 20,000 of them, though not all, were discharged in 36, their time having expired;[4] some of these had been under arms for 10 years,[5] others perhaps only since the levies of 43 B.C. It is perfectly clear that even if 28 legions were to benefit from the land allotments of 41 and even if each of these legions had its full complement of 6,000, the veterans qualified for discharge did not muster 170,000. Appian, or his source, not necessarily Antony himself, grossly exaggerated. In the same way the allusions to the cavalry and to the 'remaining mass of another army' (whether this refers to auxiliaries or to the triumvirs' other legions) are highly misleading; these men were not eligible for lands, but at best for some monetary donative.

But can we make sense of the figure 28? It might be suggested that the 28 legions are the 17 commanded by Antony and Lepidus when they invaded Italy in 43 together with 11 of Octavian's legions, excluding the 6 which had recently come over to him from Decimus Brutus. Now these

[1] This sense of the Greek verb is only attested, according to Liddell and Scott, in Plotinus and Damascius. But Appian may have been deceived by a Latin phrase to the effect that the 28 legions were 'eiusdem ordinis' and translated it, as if 'ordo' meant 'line of battle', forgetting that his own account of Philippi put this sense out of court.

[2] See p. 488 n. 4; cf. App. v. 16; *ἄφοβοι* translates 'emeriti', cf. Hyginus 176 L.

[3] *FIRA* i, no. 13. 100.

[4] App. v. 129; Oros. vi. 18. 33.

[5] Dio xlix. 14. 1. Some of the men in the 3 legions Octavian brought back from Philippi were ex-Republicans who had probably been enlisted in 49–48. And there were his praetorian soldiers.

last 6 legions included 3 out of the 5 raised by Pansa, while the other 2 had earlier come under Octavian's control. It would have been artificial to treat these 5 legions as belonging to different categories, and it might be supposed that Octavian actually gave lands to some men who had served in all 6 of Brutus' former legions; hence the allegations that he had rewarded 'the unworthy' and extended distributions to 34 legions.[1] The objection to this hypothesis is clear; it includes in the 28 legions some which had been newly raised, whose soldiers could not rank as veterans.

Now it so happens that we can draw up a list of 28 triumviral legions all of which had a nucleus of 'veterans', viz.

3 under Pollio
7 under Lepidus
3 under Plancus
1 formerly under D. Brutus[2]
3 under Antony (V Alaudae and the remnants of his 2 Macedonian legions)
3 raised by Ventidius (cf. p. 481)
4 under Octavian (2 Caesarian, 2 from Macedon)
3 from Africa
1 in Sardinia.

I conjecture that these are the 28 legions that Appian's source had in view.

On this view we have to assume that Antony had reconstituted the two veteran legions from Macedon, which had been cut to pieces at Mutina, as is plausible in any case, and that Pollio had 3 and not 2 veteran legions; some reason for believing this has already been given (p. 479). The total also includes the Martian legion, lost at sea. But it must be supposed in any circumstances that some veterans of that legion had not been fit to embark and therefore still survived to receive allotments. It may be urged that not all the veteran legions which had not shared in the Philippi campaign were in Italy in 41; they were then not on the spot to share in the allotments. But that cannot be proved, except for one of the African legions. Of the 22 legions that were designated for the campaign at least one of Octavian's (lost at sea) and perhaps more were new units. It will, however, be shown that probably 11 legions were left to protect Italy. These could easily have included all but one of the remaining veteran legions at the disposal of the triumvirs. For instance, the legion Pollio had left in Spain in the summer of 43, or the legion in Sardinia, could have been transferred to Italy and replaced by newly formed legions. Strategically, it would have made good sense if the triumvirs had decided to protect their base with the best

[1] *App.* v. 22.

[2] Plancus, *Fam.* x. 24. 3 describes D. Brutus' army in 43 as 'una veterana legio, altera bima, octo tironum'. Botermann 141 ff. shows that even the *bima legio* had been designated for rewards by the senate in 43, see *Fam.* xi. 20. 3; Dio xlvi. 40. 2.

troops they did not take with them. In any event Antony was capable of including for propaganda purposes all the legions in which men were serving who could be described as veterans, whether or not they were actually to benefit from land allotments. Schmitthenner supposes that in principle such allotments were only to be given to the veterans who had fought in the Philippi campaign.[1] In 41 this restriction was demanded by army officers. If their demand was founded on the pact of Philippi, and is accurately recorded, his view must be right, but neither premiss need be true. Dio too restricts the grants to veterans who had served with Antony and Octavian,[2] but his language is too vague to confirm Schmitthenner's opinion; he does not necessarily mean that the veterans must have served in Macedonia. It would have been grossly unfair if veterans had been excluded simply because in the disposition of their forces the triumvirs had found it convenient to leave them in Italy. Their grievances would surely have been heard amidst the turmoil of 41. Moreover, Schmitthenner has not been able to explain the number 28, which Appian obtained from his usually reliable source.

This discussion may be closed by some consideration of the number of veterans likely to have been eligible. The 22 triumviral legions that crossed the Adriatic in 42 numbered about 110,000 men (p. 487), of whom about 30,000 were lost, including 2 legions, one of which was the veteran Martia, destroyed or captured at sea. Perhaps 8 veteran legions remained behind, numbering, say, some 35,000 men including new recruits. But of our 28 veteran legions the 6 former Caesarian units (V Alaudae, 2 formed by Octavian and 3 by Lepidus), to which we may add the 3 legions raised by Ventidius, can have contained only a nucleus of old soldiers, perhaps not much (if at all) exceeding 20,000. The 4 legions transferred from Macedon, especially II and XXXV under Antony's command, had suffered heavy losses at Mutina, and can perhaps be allowed no more than 10,000 veterans; the survivors of the Martian legion must have been numerically insignificant. D. Brutus' veteran legion must have been reduced by the siege of Mutina;[3] we may allow another 2,000 veterans. Even if we suppose that in the remaining 14 legions the veterans numbered some 50,000, we have a total of only a little over 80,000, of whom say 60,000 took part in the Philippi campaign.

As shown above, out of 110,000 men taken east by the triumvirs, 30,000 had probably been lost; and as veterans were presumably put in the forefront of the battle at Philippi, as at Mutina, most of these would be veterans, probably over 20,000, even though one of the legions lost at sea was newly raised. The 11 legions formed after Philippi included at least 14,000 ex-Republicans, hence not over 40,000 from the triumviral army.

[1] Op. cit. 62 ff., cf. 52–3. [2] App. v. 20; Dio xlviii. 6. 1.
[3] Cf. App. iii. 97; *Fam.* xi. 13. 2 on Brutus' losses.

Unlike the 8,000 men constituted into a praetorian guard, they were not volunteers, and therefore not veterans entitled to discharge. Consequently, of the triumviral army up to 40,000 survivors, plus under 10,000 casualties, were recruits, and about 60,000 were veterans, of whom some 30,000 had been killed or chose to remain in service, and only 30,000 returned to Italy for discharge and reward. The total number of veterans qualified for and seeking allotments may not have exceeded 50,000, for the old legions left in Italy will hardly have consisted exclusively of veterans. Conjectural as these calculations are, it is certain that Antony's, or Appian's, estimate of 170,000 is far wide of the mark. This is not to say that more than 50,000 soldiers were not actually settled in 41–40. There was doubtless some truth in the complaints that Octavian gave lands to 'the unworthy'. It might have been hard to resist pressure from recruits who served in the same legions as veterans, or the influence of leading men who desired to gratify their clients.[1]

Out of 43 legions according to Appian the triumvirs had taken 22 across the Adriatic and had therefore left 21 (probably not 'full') in the western part of the empire. Little is known of the disposition of these legions. Antony had assigned 6 to Gaul under Varius Cotyla,[2] and some of 'his' legions were in Italy under Fufius Calenus, who seems also to have superseded Varius at some uncertain date before the Perusine war (summer 41) in command of the troops in Gaul (*infra*). Schmitthenner has argued with much plausibility that both Antony and Octavian took 11 of their legions to Macedon; each must then have left 9 behind, and Calenus should have been originally in command of 3. Schmitthenner further identifies these 3 legions with the 3 which Lepidus is stated to have had for the control of Rome.[3] This is most improbable. In 41 Calenus had no legions near Rome (*infra*). After Philippi Antony and Octavian agreed to deprive Lepidus of his power on the ground that he had been intriguing with Sextus Pompey; Octavian was charged with the execution of this decision, though he had the option of assigning Africa to Lepidus.[4] But until Octavian actually returned and carried out this task, Lepidus and not Calenus must have been in actual command of the force at Rome. On the other hand the provinces, Spain and Narbonensis, allocated to Lepidus in 43 cannot have been left without garrisons, and it is reasonable to suppose that Lepidus' own 3

[1] 'Unworthy', App. v. 16. Domaszewski, op. cit. 43, held that only 18 legions were promised lands, viz. 17 veteran legions under Antony and Lepidus and 6 under Octavian less 5 Caesarian legions, whose soldiers could return to lands already allocated. (Were they not to receive further rewards for further service?) He based this conjecture on the number of cities whose land was marked out for distribution (App. iv. 3). But 2 legions could be settled in the land of a single city (App. v. 23; *ILS* 887). His view also fails to explain Appian's number.

[2] Plut. *Ant.* 18. 4.

[3] App. iv. 3; cf. Dio xlvi. 56. 1; xlvii. 20. 1; Schmitthenner 47–51.

[4] App. v. 1 and 3; Dio xlviii 1. 3, 2. 2.

legions, those he retained after surrendering 7 to his colleagues in 42 (*supra*), were stationed there. In that case the 3 legions under his command at Rome must have been lent him by Octavian (as Antony's 9 legions in the west have been accounted for); this fact will help to explain why Octavian was able to dispossess Lepidus of his troops with so little difficulty that our sources do not even mention it; the men under Lepidus' command owed their allegiance to Octavian. By the summer of 41, when Octavian had been reconciled to Lepidus, his colleague had no army and had to be entrusted with 2 legions by Octavian.[1] It then remains to account for Octavian's other 6 legions in the west. One was probably in Sardinia, to protect it from Sextus Pompey. We know that the south also needed such protection during 42 and that forces were there under the command of Salvidienus Rufus. Now in 41 Salvidienus is found in command of 6 legions on their way to Spain.[2] It may then be conjectured that during 42 Salvidienus defended southern Italy with 5 of Octavian's legions (he must later have taken over a sixth), Lepidus Rome with 3 borrowed from Octavian, and Calenus the north (where he is later found) with 3; Varius had 6 in Gallia Comata and 3 were under Lepidus' deputies in Narbonensis and Spain, a force so inadequate that in 41 Octavian purposed to send 6 more to Spain. Octavian's return meant that (apart from the veterans discharged) 3 more legions were in Italy, i.e. those which accompanied him from Philippi.

This reconstruction does not seem to agree with our accounts of the armies on the eve of the Perusine war. In the summer of 41 L. Antonius had an army of 6 legions raised, Appian says, after he had become consul (on 1 January).[3] In addition Calenus, who never gave up 2 legions to Octavian as required by the pact at Philippi,[4] had 11 legions, not 9, as we should expect (p. 493). Appian says expressly that these were all in Italy, and it was 2 of his legions 'in Italy' that Octavian had been authorized to take over.[5] On the other hand, Dio states that Calenus and Ventidius commanded in Transalpine Gaul, and Appian, that Calenus with Ventidius, Pollio, and Ateius were summoned from Gaul to help L. Antonius, and that in 40 his army was near the Alps. When he died in that year and Octavian succeeded in taking over his army, he thereby secured possession of Gaul and Spain; Dio refers only to Gaul.[6] The implications are clear: Calenus had superseded Varius, who had commanded 6 legions in Gallia Comata; though he did not also control Spain, his forces had barred access to it for Octavian's troops.[7] It still needs explanation that he should have had not 9 but 11 legions. It may be that he had raised 2 more, or that he had taken over 2

[1] App. v. 29.
[2] App. v. 24.
[3] App. v. 24, cf. v. 3; Dio xlviii. 2. 3.
[4] App. v. 33, 51; Dio xlviii. 10. 1, 20. 3.
[5] Dio xlviii. 18. 1 and 5; App. v. 24.
[6] App. v. 12; Dio xlviii. 5. 2.
[7] App. v. 20. Dio xlviii. 10. 1 says that Calenus and Ventidius did this, Appian v. 20 that it was Pollio. The official roles of Ventidius and Pollio are obscure, cf. *MRR* ii. 372, 375.

legions in Narbonensis, nominally under Lepidus' supreme command, at the time of that triumvir's temporary deposition. His army was disposed in both Transalpine and Cisalpine Gaul, which could be also described as 'Italy'.[1]

So far then all is in order. But whereas Octavian should have had 12 legions (9 left in Italy in 42 and 3 brought back from Philippi), Appian mentions only 10. Octavian himself had 4 at Capua (together with his praetorian guard), while Salvidienus was on the way to Spain with 6.[2] We can, however, conjecturally account for the other 2. Southern Italy surely needed continued protection against Sextus, and we might posit one legion still stationed there after Salvidienus' withdrawal, ignored by Appian perhaps because it could play no part in the subsequent hostilities. Moreover Sardinia had fallen to Octavian's portion and was apparently under his effective control. It has been assumed that ever since 49, 1 legion had been stationed there. (By 40 the garrison had been doubled.[3] Octavian must have sent yet another legion in 41–40 to preserve that island from Sextus.)

It is evident that while the allocation of lands to veterans was proceeding, 6 more legions had been raised by L. Antonius; in fact, since he triumphed 'ex Alpibus' on 1 January 41 and must have had some kind of army, even though Dio says he had done nothing to justify the honour, we might think that Appian is wrong in supposing that these units had all been levied since he entered on the consulship.[4] Once hostilities had broken out, recruiting officers were soon at work again, if indeed they had ever ceased;[5] veterans too were recalled to the standards by both sides, most successfully by Octavian;[6] the practice of settling them in colonies as units made it easy to recall them.[7] The narrative of the Perusine war is confusing, and the number of legions attested excites scepticism, till it is recalled that a legion might be very small, a mere skeleton. There is no reason to believe that Appian, whose credit is generally established for 44–43 by the contemporary evidence of Cicero, should now be discarded as unreliable. The ultimate strength of L. Antonius' 'large army',[8] which capitulated at Perusia, can hardly be determined; the new levies may have done no more than fill the ranks of his original 6 legions, but he seems to have won over 2 of Octavian's legions at Rome.[9] Calenus did not

[1] The incorporation of Cisalpina in Italy was agreed at Philippi, App. v. 3, cf. Dio xlviii. 12. 5; even a nearly contemporary writer might have oscillated between the two terms, when describing events in 42–41.

[2] v. 24.

[3] App. v. 56, cf. 24; Schmitthenner 66.

[4] *Fasti Tr.*; Dio xlviii. 4. 3.

[5] App. v. 27, cf. 20, 74.

[6] Ibid. 19, 27, 30 f., 33, 40, 46 f.; Dio xlviii. 12.

[7] *ILS* 887; 2226; 2230; App. v. 12, 23.

[8] Vell. ii. 74.

[9] App. v. 29 f. Schmitthenner has not observed this but arrives at a total of 8 legions by assuming that Furnius, who had reinforced L. Antonius early in the war (App. v. 30) and was captured at Perusia (ibid. 40), joined Antonius with 2 legions; that is not recorded, nor is it clear that Furnius was not a commander of some of the consul's original 6 legions.

intervene in the fighting and is not known to have raised any new legions (but cf. pp. 494 f.).[1] But early in 40 other Antonian generals, Pollio, Munatius Plancus, Ventidius, Crassus, and Ateius are credited with about 13 well-trained legions which must have had a nucleus of veterans; of these Pollio had 7, then stationed in Venetia.[2] Their armies had already been mustered in the previous autumn.[3] At that time Pollio, Ventidius, and Ateius were based on Cisalpine Gaul;[4] Plancus, who was land-commissioner for Beneventum, presumably commanded forces raised in the south by Fulvia.[5] Plancus must have had an army of over 2 legions; for after the desertion of 2 to Agrippa, he still had troops under his command who chose to serve under Ventidius, when he had sailed for Asia from Brundisium.[6] Given that Pollio had 7 and Plancus 3 of Appian's total of 13, we may allow 3 to Ventidius, who later secured perhaps 1 of Plancus' legions. Schmitthenner supposes, perhaps rightly, that Ventidius' men had dispersed before Antony's arrival off Brundisium later in the year; they are not heard of again. He argues that most of Pollio's troops also disbanded, but this is uncertain.[7] (It is not impossible that some of Ventidius' or Pollio's men were also embodied in Octavian's armies.) The maximum number of the Antonian legions was then perhaps 30 (6 under L. Antonius, 11 under Calenus, and 13 under the other generals); few of them (if any) can have been complete.

By the summer of 40 Octavian had over 40 legions at his disposal;[8] these included those (6?) which had surrendered at Perusia, 11 which he had taken over in Gaul on Calenus' death and 2 which had deserted from Plancus; there remain about 20, as compared with 12 in Italy and Sardinia just before the outbreak of war. His forces had been strong enough to blockade Perusia and simultaneously ward off the relieving armies.[9] His total strength must be accounted for by new levies and the re-enlistment of veterans. In 40 he dispatched 6 of the most suspect Antonian legions, probably those raised by L. Antonius, with Lepidus to Africa, where Sextius was forced to surrender the 4 under his command to that triumvir. Other Antonian soldiers (we can document only 4 legions which had taken part in the fighting) were dispersed elsewhere, perhaps to Gaul and Spain.[10] The recalled veterans were probably allowed to return to their colonies.[11] It is impossible to determine how many legions Octavian still had in Italy or elsewhere at the time of the pact of Brundisium. However, the effect of the Perusine war had undoubtedly been to postpone by a year the permanent settlement of the veterans due for discharge after Philippi and to bring many new soldiers into the field. Octavian's 40 or more legions, even if they were on an

[1] App. v. 51.
[2] Ibid. 50; cf. Vell. ii. 76.
[3] App. v. 31–5.
[4] Ibid. 33.
[5] *ILS* 886; App. v. 33.
[6] App. v. 50, 61.
[7] Op. cit. 73–5.
[8] App. v. 53.
[9] Ibid. 47, 50 f.
[10] Ibid. 53, cf. 75.
[11] Ibid. 57; Dio xlviii. 28. 2.

average no more than 3,000–3,500 strong, should have numbered 120,000–140,000 men, and to these may perhaps be added some 30,000–40,000 in the 11 legions of Pollio and Ventidius, if they were still in being and (unlike those of L. Antonius, Calenus, and 2 formerly under Plancus) had not been taken over by Octavian. When we consider that in 41 Antony still had 8 legions in the east, and that there were also 4 in Africa (probably mainly non-Italian), it is probable that more than 200,000 legionaries remained under arms, not counting those with Sextus Pompey, Domitius Ahenobarbus, and Statius Murcus.

The fate of Antony's army is obscure. L. Marcius Censorinus whom he appointed governor of Macedon triumphed on 1 January 39 and certainly had an army which Antony summoned to his aid at Brundisium in 40; how large we do not know.[1] His other forces Antony clearly took to Asia and Syria; in the winter 41/0 he went himself to Egypt, accompanied probably by his praetorian guard but apparently not by any legions, which he distributed 'among the peoples'.[2] The garrison in Syria was won over in 40 by the ex-Republican Q. Labienus in Parthian service; Dio explains this by the fact that it consisted of men who had served under Brutus and Cassius (an exaggeration);[3] these presumably included the legion Cassius had left in Syria. Schmitthenner conjectures that legions in Asia went over to Labienus in the same way.[4] Certainly Plancus was destitute of troops there in the summer of 40.[5] And Antony himself had no legions left except those in Macedon. The 'inconsiderable' force with which he sailed to Brundisium, doubtless the 4,000 men of his praetorian guard, is contrasted with the 'large army' that joined him under Domitius, yet Domitius had only 2 legions.[6] When the clash with Octavian was imminent, Octavian must have enjoyed enormous numerical superiority; he had to come to terms only because he could not trust his own men to fight Antony.[7] It was indeed the soldiers on both sides who compelled the rival dynasts to 'paper over the cracks'.

The new pact at Brundisium provided for a redistribution of provinces[8] and that should have entailed a redistribution of legions too, dictated ostensibly by the needs of imperial defence and in reality by the rival fears and ambitions of the dynasts. The complex calculations of W. W. Tarn about the legions that Antony controlled or could claim thereafter are unrealistic, since he assumes that the agreement of Philippi still held good in circumstances utterly changed by the levy of new legions in the Perusine war and by Antony's losses in the east.[9] A new deal was needed, and parity in the number and quality of the legions must have been its basis. Only one fact

[1] App. v. 58; for Censorinus, *MRR* ii. 462.
[2] App. v. 10.
[3] Dio xlviii. 25. 2.
[4] 240 n. 11, based on Strabo's statement (xiv. 2. 24) that Labienus attacked Mylasa with units already organized from Romans in Asia under his command.
[5] Dio xlviii. 26. 3.
[6] App. v. 55, 59, cf. 26.
[7] Ibid. 53, 57, 59, 63 f.
[8] Ibid. 65.
[9] *CQ* xxvi, 1932, 75 ff.

is assured in our account of the negotiations. Salvidienus Rufus, charged with treason to Octavian, was recalled from his command on the Rhone and perished; his army was transferred to Antony.[1] It is a reasonable assumption that this army is none other than Calenus'. But we cannot say if it was intact, still consisting of 11 legions. Octavian had been entitled under the pact of Philippi to subtract 2; but that right may have been thought to be submerged by the new conditions. The strength of Octavian's and Antony's armies after the peace of Brundisium can be determined, if at all, only from the actual evidence for the succeeding years, and not by inferences from past claims, which recent events had surely rendered obsolete.

(v) *Octavian's Legions, 40–30 B.C.*

The number and disposition of Octavian's legions in the years immediately after Brundisium is not known. As early as 41 he had intended to send 6 legions to Spain, where the garrison consisted in all probability of a single legion and where the governor had to resist attacks from king Bogud of Mauretania.[2] By the summer of 40 the army there, which L. Antonius was dispatched to command, had probably been reinforced. From 39 to 36 Domitius Calvinus was governor; he celebrated a triumph. Norbanus Flaccus, presumed his successor, also triumphed in 34.[3] In Gaul the army formerly under Calenus and Salvidienus had to be replaced; disturbances there required the presence of Octavian himself in 39, and in 38, or perhaps 38–37, Agrippa earned a triumph by a victory in Aquitaine and an expedition across the Rhine.[4] During 39–38 there was also a 'large army' in Illyricum.[5] The size of these forces is not recorded. In 38 the recrudescence of hostilities with Sextus Pompey led Octavian to recall some troops from Gaul, but not all, as Agrippa's successes there came later. In 37 Agrippa himself returned to take charge of the naval operations in Italy, but even then Gaul was hardly stripped of a garrison.[6] Earlier, in 38, Octavian had sent for the Illyrian army,[7] but we cannot be sure that it was entirely withdrawn. In 36 he invaded Sicily with 21 legions, some of them perhaps newly levied,[8] but to these we must add an unknown number in Spain, Gaul, and perhaps Illyricum. Sardinia must also have had a garrison. In 40 Sextus' admiral had conquered the island and annexed Octavian's 2 legions there and an attempt at reconquest had proved abortive. But in 38 Sextus' governor, Menedorus, handed the island back to Octavian with 3 legions, which obviously included the original garrison.[9] Whether or not

[1] App. v. 66.
[2] Appian v. 26 f.; he speaks of Bocchus, but *cf.* Romanelli 150.
[3] App. v. 54; *MRR* ii. 402.
[4] App. v. 73; *MRR* ii. 388 f., 393.
[5] App. v. 80; Vell. ii. 78. 2.
[6] App. v. 78; Dio xlviii. 49. 3.
[7] App. v. 80.
[8] App. v. 116. Dio xlviii. 49. 1 refers to new enlistments, perhaps *supplementa*.
[9] App. v. 56, 66, 78.

these legions, when taken over by Octavian, were left in the island, it goes without saying that Octavian must have provided some defence against further attacks by Sextus' fleet. It is thus not improbable that at the time of his reduction of Sicily Octavian had over 30 legions in all, comprising some 120,000 men, apart from his praetorian guards and *evocati* recalled to service for this operation.

In the defeat of Sextus Octavian was aided by Lepidus. In 40 Lepidus had transported 6 legions to Africa and taken over 4 in the province from Sextius.[1] In 36 he sailed for Sicily with 12 legions which Velleius describes as 'semiplenae'. Granted that ancient historians often take the full strength of a legion to be 5,000 rather than 6,200, we may guess that each of these averaged 2,500 and that they mustered some 30,000 men. Later 4 legions sailed to join Lepidus, of which 2 were destroyed at sea.[2] I can see no reason for thinking that these were 'more complete' than the rest, and would reckon 10,000 men, of whom 5,000 survived. The whole of Lepidus' army went over to Octavian, viz. 14 legions with about 35,000 men. A high proportion of these soldiers had clearly been levied in Africa; this is true of 3 of Sextius' legions and of 6 raised by Lepidus himself since 40. As many were probably non-citizens, they should rather count as *legiones vernaculae*.

After the surrender of both Sextus' and Lepidus' armies, Octavian boasted of having 45 legions.[3] Earlier Lepidus, when he obtained the capitulation of 8 of Sextus' legions at Messana, is said to have been in command of 22, viz. 14+8.[4] The total of 45 is the sum of Octavian's 21+Lepidus' 22+2. The missing 2 legions must be identified with the Pompeian forces under Tisienus which had surrendered at Naulochus.[5] It therefore follows that Sextus had had 10 legions. He escaped to the east with only 17 ships, on which at most a handful of soldiers can have embarked.[6]

The composition of Sextus' legions was very mixed. He had inherited through Staius Murcus 2 of Brutus' and Cassius' legions (p. 488). He had also won over 2 of Octavian's legions in Sardinia, but these had been recovered in 38 (p. 498). But much earlier, when he first laid hold of Sicily in 43, he must have had a considerable force;[7] in Spain he had been credited with 7 legions in 44 (p. 474 n. 11), an estimate that may be much exaggerated. Obviously his followers at this stage were chiefly provincials, especially from Spain, and even now they will have included slaves.[8] In Sicily he at once began recruiting.[9] Sicilians could be enlisted for the legions with some show of legitimacy, since all now counted as Roman

[1] Ibid. 75, cf. 53. [2] Ibid. 98, 104; Vell. ii. 80.
[3] App. v. 127; Oros. vi. 20. 6 gives 44, doubtless a mere error.
[4] App. v. 122 f.; round figures in Vell. ii. 80 (over 20) and Suet. *Aug.* 16; Oros. vi. 18. 30 (20).
[5] App. v. 121. [6] Ibid. 122. [7] Cic. *Phil.* xiii. 13.
[8] Cf. *B. Hisp.* 7. 5, 12. 1, 34. 2; App. ii. 103 for earlier Pompeian recruiting in Spain.
[9] Dio xlviii. 17. 6.

citizens under an alleged grant from Caesar.[1] Italians threatened by proscriptions in 43–42 or the confiscations of 41 also took refuge with him. We hear most of the men of note, who were naturally not significant numerically; but some may have been accompanied by free clients or tenants, and Appian speaks of men who came to him from the Italian cities marked out for confiscations. Some, moreover, sought his standards simply in hope of gain; and Dio refers to deserters in the Pompeian ranks. Some refugees from the Perusine war also augmented his forces.[2] It is impossible to estimate the proportion of free Italians in his army. He certainly did not scruple to enlist even slaves from Italy,[3] though it was doubtless in his fleet that they preponderated. It has been calculated that his ships, about 350, needed some 50,000 rowers; most were probably slaves. Augustus claimed to have returned 30,000 slaves in Sextus' service to their masters and treated the war as one against slaves.[4] Many more had been killed in the fighting; others, especially local recruits, doubtless dispersed after Sextus' defeats. We cannot calculate the number of slaves in the legions. The survivors from Sextus' army may well not have exceeded 25,000, not all of them citizens nor even of free birth.[5]

Dio expressly says that Octavian incorporated Sextus' free-born soldiers in his own legions,[6] and it can be assumed that he took the same course with the legionaries of Lepidus. Did Octavian recognize the right of free-born Spaniards, Sicilians, or Africans to pose as citizens and legionaries? He certainly did not regard the Sicilians as citizens (cf. p. 240). But Dio supports no distinction between citizens and non-citizens, and it may be best to accept his testimony; later Augustus received Orientals into the legions. It is then possible that Octavian was able to distribute some 60,000 men among his legions. It does not follow that any new legions were formed. Octavian had sustained considerable losses and he was forced to discharge, at least for the time, 20,000 veterans; some of these soon re-enlisted, and were enrolled in a new legion, but it was disbanded not long afterwards.[7] If it be assumed that his own legions were below full strength and that there were not more than about 80,000 in 21 legions, then the net effect of casualties, discharges, and new enlistments was perhaps merely to raise the numerical strength of those existing legions to about 100,000. (We must add to this figure the unknown number of legionaries in his provinces. I assume that Lepidus left none of his troops in Africa.)

[1] Diod. xiii. 35. 4; xvi. 70. 6; Cic. *Att.* xiv. 12. 1.

[2] App. iv. 85, v. 25, 61; Dio xlix. 3. 2, 12. 4.

[3] App. iv. 85; Vell. ii. 73; Dio xlix. 12. 4.

[4] *Res Gestae* 25. 1, 27. 3; App. v. 131; Dio xlix. 21. 4; Oros. vi. 18. 33.

[5] Schmitthenner's analysis, 96 ff., is particularly valuable, cf. 107 ff. on the survivors from Lepidus' and Sextus' armies. But his computations of the number of slaves in army and fleet are inevitably conjectural, and my conjectures differ a little from his.

[6] xlix. 12. 4.

[7] Vell. ii. 81; App. v. 128 f.; Oros. vi. 18. 33; Dio xlix. 14, 34. Cf. Schmitthenner 100 ff.

Octavian now stationed legions in both Sicily and Africa.[1] In the succeeding years triumphs were recorded from Spain in 34 (Norbanus), 33 (Marcius Philippus), 32 or 33 (Appius Claudius), and 28 (Calvisius), from Africa in 34 (Statilius Taurus), 33 or 32 (Cornificius), and 28 (Autronius), and from Gaul, though not till 28 (Messalla) and 27 (Carrinas).[2] However little deserved, these celebrations indicate that Spain and Africa were continuously garrisoned in those years. Africa was the base of Cornelius Gallus' army in 30. In Gaul the quiescence of the population must have seemed precarious. We are not told how many legions were stationed in any of these provinces, nor how many Octavian himself employed in his Illyrian campaigns. But, as his relations with Antony were worsening steadily, this was not a time in which he would have been prone to disband legions, and whatever the total had been in 36, it is not likely to have been less in 32. Indeed, it seems that men were still being levied for the army throughout these years, perhaps not to constitute new legions but to keep those already in service up to strength. Recruiting continued in 32, doubtless on a greater scale.[3]

The total number of Octavian's legions is not even known for the final crisis. He may not have found it necessary to raise any more than he had when war was declared. He mobilized for the Actium campaign all his valuable troops,[4] probably those who were the most seasoned fighters. Plutarch tells us that his infantry at Actium numbered 80,000.[5] This may be a conventional figure for 16 legions (Appendix 27). But it may well be right. The incorporation of Lepidus' and Sextus' free-born soldiers and the new levies are likely to have brought and kept the legions at least up to an average roll of 5,000. Moreover, Orosius states that for the naval battle he put 8 legions and 5 praetorian cohorts on board ship.[6] Schmitthenner reasonably urges that he would hardly have trusted more than half his force to the winds and waves, and that his fleet of over 400 ships would have accommodated (at 80–90 soldiers to each ship) not far short of 40,000 legionaries.[7] A few auxiliary troops may be counted in the infantry, but most of the 80,000 were probably citizen soldiers. Octavian's legionaries very probably outnumbered Antony's; for though Antony had 19 legions at Actium, they are less likely to have been 'full'. His army was adequate in size and even superior in quality.

The force operating under Cornelius Gallus against Antony's 4 legions in Cyrenaica (p. 504) may well have been at least their equal in numbers. Gaul, Spain, perhaps Illyricum or the shores of Italy are unlikely to have been denuded of troops; if no more than 2 legions remained in each of these areas, Octavian had a minimum of 12 legions besides those employed at Actium. That would make his armies 140,000 strong, mostly Italians.

[1] App. v. 129. [2] EJ pp. 34 f. [3] Dio l. 1. 3, 6. 2. [4] Ibid. l. 11. 5.
[5] *Ant.* 61. [6] Oros. vi. 19. 6. [7] Op. cit. 121 ff.

(vi) *Antony's Legions after 40 B.C.*

There is no sufficient evidence for the total number of Antony's legions after Brundisium, nor indeed till 31 (if then). We do not know how many he controlled on the eve of the pact of Brundisium, since we cannot determine how many had been lost in the east or how many were in Macedon (p. 497). Nor can we be sure that Pollio or Ventidius had not kept together any of the Antonian legions raised in 41. Some of their men were, however, certainly veterans entitled to discharge, who would hardly have remained with the standards in any case, once peace had been made. We are told that Octavian made over Salvidienus' (i.e. Calenus') legions to Antony,[1] and though it has often been assumed that not all 11 legions were thus transferred, there is no sound basis for this assumption. But even if it be admitted that Antony had 11 legions from this source, together with 2 from Domitius, this does not help towards estimating the total size of his army, as the other elements cannot be calculated. I have suggested that the pact of Brundisium was intended to establish military parity between Antony and Octavian. Unfortunately we do not know exactly how many legions Octavian retained at this time. By 36 he possessed 21 in Italy plus perhaps 9 elsewhere. But between 40 and 36 there had been new levies. Both triumvirs were entitled to enlist troops in Italy,[2] but in practice Antony had been (and was to be) unable to exercise this right. At Tarentum in 37 Octavian promised to send Antony 20,000 Italian soldiers, a promise he never kept.[3] This promise doubtless corresponded to a demand by Antony. The interpretation of the demand is not clear. It has often been taken as a demand for 4 new legions. In that case it might perhaps be taken as a demand for compensation for the 4 African legions withheld from Antony by Lepidus.[4] Yet it would have been odd that Antony should have sought compensation from Octavian and not from Lepidus. He had probably summoned the 4 African legions before the pact of Tarentum, and we might easily suppose that in that pact Antony and Octavian recognized Lepidus' right to keep them, while making a redivision of the units they could actually dispose of. Again, were the 20,000 men soldiers already under Octavian's command or Italians whom he now undertook to levy on Antony's behalf? Since Antony clearly needed trained men for the Parthian war, the first alternative is more likely. If then the principle of the new pact was the restoration of parity between the dynasts, it is implied that by 37 Octavian had 40,000 men, or 8 legions, more than Antony. Granting that Octavian had about 30, it follows that Antony had about 22.

[1] App. v. 66.
[2] v. 65, 93.
[3] Ibid. 95, 134 f. (Octavian brought Antony 2,000 men for his praetorian guard in 35, Plut. *Ant.* 53. 2).
[4] Ibid. 75.

We cannot confirm this hypothesis from the data for the years immediately after 40, but it does appear that in 31 Antony had no more than 23 legions.

In 39 Antony continued to keep an army in Macedon. Marcius Censorinus and Pollio triumphed from that province in January and November 39 respectively.[1] There is no direct evidence for a garrison in Macedon thereafter. Despite the insecurity of its frontier, Macedon had been left ungarrisoned in the 80s and again in 55–49. On the other hand, Antony's proposal to co-operate with Octavian in Illyricum in late 36, just after his eastern legions had been decimated in the Parthian war, suggests that he had fresh forces in the vicinity of Illyricum; moreover, the governor of Macedon was not defenceless against Sextus Pompey in 35.[2] It will later be suggested that Antony's grand army at Actium included 3 legions previously in Macedon.

At Brundisium Ventidius was appointed to fight the Parthians, which he did with brilliant success in 39–38.[3] The strength of his army is not stated. Initially it was probably not great. We happen to know that some of the soldiers in one of two legions which his successor in Syria, Sosius, detached in 38 to assist Herod had been recently recruited in Syria, presumably from the local population.[4] Most of the Romans who had deserted to Labienus are said to have come over to him,[5] and considering that he was evidently short of men, we may suppose that they were enrolled in his own legions. Sosius is generally held to have had 11 legions. Schmitthenner has challenged this.[6] Josephus states that when Sosius and Herod united their armies to besiege Jerusalem in spring 37 they had 11 legions in all together with Syrian auxiliaries and cavalry.[7] But he also tells us that Herod's own army numbered 30,000. Schmitthenner apparently regards 5 of the 11 legions as belonging to Herod. But even if we conceded that the native troops Herod commanded might (like those of Deiotarus) have been described as 'legions', it must be noted that Herod's army comprised the remains of 2 Roman legions previously sent to Herod's aid by Ventidius,[8] and 2 other legions sent to him by Sosius in advance of his own arrival.[9] Perhaps the number of Roman legions in the combined force had best be left uncertain. As Schmitthenner points out, Canidius Crassus in Armenia must simultaneously have had a large army.[10] The bulk of the forces with which Antony himself invaded Parthia in 36 were probably already in the east by 37.

In that campaign Antony's legions are variously assessed as 13, 15, 16, and 18.[11] Kromayer showed that 13 is too low, since after losing 2 legions or

[1] *Fasti Tr.*; cf. *MRR* ii. 387 f.
[2] App. v. 132, 138.
[3] *MRR* ii. 383, 388, 393.
[4] Jos. *BJ* i. 324; *AJ* xiv. 449.
[5] Dio xlviii. 40. 5.
[6] Op. cit. 130, 242 n. 26.
[7] *BJ* i. 346; *AJ* xiv. 469.
[8] See n. 4.
[9] *BJ* i. 327–30; *AJ* xiv. 452 f.
[10] Plut. *Ant.* 34. 6; Dio xlix. 24.
[11] 13, Vell. ii. 82; 15, *de vir. ill.* 85; 16, Florus ii. 20. 10; Justin xlii. 5. 3; 18, *Per.* Livy cxxx.

10,000 men, Plutarch's estimate for 2 legions, Antony marched from Phraaspa with 10 legions, while continuing to invest that city, a task that clearly demanded at least 2 and perhaps 3 legions.[1] Kromayer's argument does not indeed refute the highest estimate, that given in the *Periocha* of Livy, but the consensus between Florus, who should reflect Livy's account, and Justin suggests that the author or copyists of the *Periocha* fell into error, and that Antony had 16 legions, of which 2 were totally lost, in this campaign.

Kromayer believed that he had no more than 3 other legions, which were all left to protect Syria. This hypothesis can hardly be proved. The garrison assumed for Syria is perhaps excessive (we do not actually know that the legion left with Herod at Jerusalem in 37 was still there).[2] On the other hand, it is probable that 3 legions remained in Macedon (*infra*). Doubtless, out of deference to Cleopatra's sovereignty and conviction in her good faith, Antony stationed no Roman troops in Egypt. But what of Asia Minor? Sextus Pompey had reached Mitylene when he heard of Antony's disaster and in late 36 he began to intrigue against him and to raise a new army; he succeeded in mustering 3 legions partly from Italian colonists at Lampsacus. The governor of Asia, Furnius, had not a sufficient force to check him and was obliged to conscribe provincials; he also sent for help to Domitius Ahenobarbus who had an army in the vicinity.[3] What was this army and where? It is generally supposed that it was some part of Antony's defeated army, now quartered in western Asia. Domitius had himself taken part in the expedition.[4] Yet it might be doubted if the exhausted soldiers could have been moved so soon from Syria to Bithynia in the winter of 36/5.[5] No effective action could be taken against Sextus till the arrival of Titius with a large army from Syria.[6] I am therefore disposed to think that 1 legion remained in western Asia throughout 36. If in fact Antony had 22–3 legions before his losses in Parthia, 6 or 7 must have been disposed in garrisons.

We reach firmer ground only in 31 B.C. At Actium Antony had 19 legions and there were also 4 in Cyrenaica.[7] This gives a total of 23. Of the army at Actium 16 had been concentrated at Ephesus in 33.[8] That implies that with the 4 legions in Cyrenaica Antony had previously had 20 in the Asian part of his dominions. It can be presumed that he brought up the strength of his army at Actium to 19 by using 3 legions hitherto left in Macedon. There is no record of the surrender of any Antonian legions in Macedon or Syria, or indeed anywhere except in Epirus and Cyrenaica. In Syria Octavian's nominee as governor, Didius, seems to have taken over

[1] *Hermes* xxxiii, 1898, 16 ff. on Plut. *Ant.* 38 f. (cf. Vell. and Florus, ll.cc.).
[2] Ios. *AJ* xv. 72.
[3] App. v. 133, 137.
[4] Plut. *Ant.* 40.
[5] For chronology see App. v. 139.
[6] Ibid. v. 134, 139 ff.
[7] Plut. *Ant.* 68. 2; Oros. vi. 19. 15.
[8] Plut. *Ant.* 56. 1.

without difficulty, though he was so weak that he had to concede honourable terms to a band of Antony's gladiators who had marched, unopposed except by client princes, from Cyzicus with a view to aiding Antony.[1] It is true that in Egypt itself Antony attempted resistance and mustered 'a large force of ships and infantry'.[2] But in the event there was little fighting. It seems probable that the forces at his disposal must have consisted of those legionaries who had been embarked on the ships that forced their way out from Actium, supplemented by native troops.[3] We hear nothing of the surrender and subsequent fate of any legions in Egypt, as of those at Actium and in Cyrenaica. The latter went over to Octavian's general, Cornelius Gallus, in 31 when their commander learned of Antony's defeat and were incorporated in the imperial army.[4] Egypt needed defence on its western frontier; hence the garrison in Cyrenaica. But Alexandria hardly required protection against a landing by sea; it had not previously been Antony's practice to quarter Roman legions in Cleopatra's kingdom; and he had no men to spare for inessential purposes.

It is thus probable that in 31 B.C. Antony had only 23 legions, and not 30 or more as commonly believed. This belief rests on a series of coins which name legions I to XXX. It has, however, long been remarked that of the Antonian legions thus commemorated I and XXIV–XXX rarely occur, and the genuineness of the coins naming XXIV–XXX has been suspected.[5] (Mr. R. Carson informed me some years ago that it would be hard to dismiss as forgeries those which name XXV and XXX.) But even if all are accepted as genuine, the rarity of 7 numbers suggests that they may relate to legions that Antony only tried or planned to raise, perhaps after the surrender of his army in Epirus. It is very imprudent to base on these coins any theory about the number of his effective units at any one time. In order to support such a theory, Tarn, for instance, was obliged to posit the disposition of legions, other than those attested at Actium and in Cyrenaica, in Macedon, Syria, and Egypt. It might seem plausible at first sight to hold that Antony would not have left Rome's frontiers unprotected. Yet in similar circumstances Sulla had left no forces in the east except in Asia, Pompey and Brutus had detailed no legions to guard the Macedonian frontier, Pompey had denuded Syria of troops despite the menace from Parthia, and Cassius had stationed there only a single legion. In 43 Pollio prepared to march out of Further Spain with his army (in the end he left

[1] Dio li. 7. [2] Dio li. 9. 2.

[3] Plutarch (*Ant.* 64. 1) says that 20,000 of his best 'hoplites' were put on board, cf. Dio l. 23. 1, 31. 3. Besides the 60 ships of Cleopatra's squadron (Plut. 66. 3), others certainly escaped (67. 5). It is not indeed clear that there were soldiers on Cleopatra's ships; and the number of ships engaged is unknown. If Cleopatra's squadron is included in Orosius' total of 170 ships for Antony's fleet (vi. 19. 9, *cf.* 11), one-third of the fleet escaped. Native levies, Dio li. 6. 1.

[4] Plut. *Ant.* 69. 1; Dio li. 9. 1; see p. 506 n. 2.

[5] E. A. Sydenham, *Coinage of the Roman Republic*[2], 1952, 195 ff. Cf. Schmitthenner 126–7.

one legion there), with the reflection 'tali tempore multo magis legionibus opus esse quam provinciis, quae praesertim reciperari nullo negotio possunt'.[1] Antony might reasonably have taken a similar view and quieted any scruples with the reflections that his grand army was sufficient protection for Macedon and that his annexation of Armenia would deter the Parthians from attacking his rear. There is no allusion in our narrative sources to any legions other than those in Epirus and Cyrenaica.

The hypothesis that the legionary coins are good evidence for the existence of Antonian legions numbered I to XXX has already been rejected by Schmitthenner; its difficulties would be aggravated if it were combined with his own belief that some legionary numbers were duplicated in Antony's army.[2] But to my mind this belief can be substantiated in only one instance; there seems to be no doubt that the later imperial legions III Gallica and III Cyrenaica were both Antonian. Schmitthenner believes that XXII Deiotariana was one of the legions in Cyrenaica, and given the use of all lower numbers and the duplication at least of the number III, this would show that Antony had not less than 23 legions, but not necessarily more. But the grounds for his belief are frail,[3] and it seems more likely that this legion, presumably one of those raised by king Deiotarus of Galatia on the Roman pattern,[4] first became a unit of the Roman army, when Galatia was annexed in 25 B.C.

It has been tentatively suggested that in 36 Antony may have had only 22 or 23 legions, of which he lost 2 in Parthia. If that be true, he had raised 2 or 3 more in the intervening years. The strength of his legions is unknown, but it is clear that, unless supplemented by local recruiting, they must have been far from 'full'; since 39 he had been debarred from enlisting more Italians. According to Plutarch his Parthian army mustered 100,000 foot, of whom 60,000 were Italians, i.e. praetorians and legionaries; his losses amounted to 32,000 including 4,000 cavalry.[5] It would seem then that even in 36 the 16 legions employed in this expedition averaged less than 3,750 men (allowing for praetorians); and if we assume that Italian losses were proportionate to total losses, they amounted to 19,000

[1] *Fam.* x. 31. 6.

[2] Op. cit. 134 ff. For III Gallica, Tac. *Hist.* iii. 24. 2, cf. Plut. *Ant.* 42. 4. III Cyrenaica must, by reason of its name (first attested in A.D. 35, *IGR* i. 1365), have been part of Antony's garrison in Cyrenaica. In general Schmitthenner's ingenious attempts, like others made by earlier scholars, to trace the origin and history of the later imperial legions in the triumviral period seem to me too conjectural. It can be safely presumed that Antony never gave up control of V Alaudae and the reissue by Marcus and Verus of the coin commemorating Antony's VIth legion seems to prove that it was the later VI Ferrata (Ritterling, *RE* xii. 1588); but I find no good evidence for the view that the later IV Scythica and V Macedonica were Antonian.

[3] It is based on the cognomen Cyrenaica bestowed on XXII in *ILS* 2690 (op. cit. 256 n. 79), regarded by Ritterling (*RE* xii. 1791) as a simple error.

[4] *B. Alex.* 34. 4.

[5] *Ant.* 37, 50. 1. Velleius ii. 82 says that he lost not less than a quarter of his army.

men in that campaign, leaving only some 40,000. To these we may add some 25,000 men in the garrisons. It is reasonable to believe that Antony not only raised some new legions but strengthened his older units by local recruiting. We are told that he took over the 3 legions raised by Sextus in 35, probably not as complete units.[1] Some but not all of Sextus' recruits were of Italian origin. It is not likely that Antony scrupled to enlist provincials. As early as 38 easterners had been enrolled in his legions.[2] Otto Cuntz adduced ingenious arguments to show that easterners later found in the imperial garrison of Egypt had been enlisted by Antony's officers.[3] These arguments seem to me less convincing than has generally been thought.[4] However, there were not enough citizens, or at least not enough men of true Italian stock, in the east to make up Antony's depleted forces without calling on provincials. With further wastage since 36, Antony's *Italian* soldiers can hardly have exceeded 60,000 men.

(vii) *Fleets, 49–30 B.C.*

The strength of the fleets from 49 to 31 was carefully analysed by J. Kromayer. He showed that in 49 Pompey had about 300 ships in the east and his supporters in the west about 50. Pompey was no doubt accompanied by some warships on his flight from Brundisium, but in the main ships and crews were obviously supplied by provincials and allies. After overrunning Italy, Caesar gave orders that 127 warships should be built, but he had few at sea until late in 48, when we hear of 75 cruising off south Italy and Sicily. No doubt Sicilians had to provide many of the seamen. I guess that Roman freedmen were conscribed.[5] In 42 the 'Liberators' had about 200 ships, which again must have been manned almost exclusively in the east. Kromayer reasonably supposes that Sextus Pompey as *praefectus orae maritimae* appointed by the senate was able to take over most of the warships in the west, and had about 130. The triumvirs in 42 cannot have possessed more than 60.[6] Even after Philippi the Republicans remained in command of the sea, and Antony had to build a war-fleet, which the adherence of Domitius Ahenobarbus brought up to 300. Antony too must have conscribed personnel in the east.[7] To reduce Sextus Pompey, whose fleet had been augmented by the support of Staius Murcus and by new building, so that even after desertions and other losses he had 350 in 36,

[1] App. v. 144, cf. Schmitthenner 243 n. 44. I am not convinced by his analysis of terminology by which he supports his view (59 ff.).

[2] Jos. *BJ* i. 324; *AJ* xiv. 449.

[3] *Jahreshefte* xxv, 1929, 70 ff.

[4] See Forni, 62 ff.

[5] Kromayer 432 ff. Unfortunately he hardly mentions the question of manning throughout his article.

[6] Ibid. 439 ff.

[7] Ibid. 446 ff.

Octavian had to build on a great scale. Kromayer seems to have shown that by the end of the war, after sustaining heavy losses, he retained 600, including 70 under Lepidus, 70 out of 130 which Antony had placed at his disposal, and 163 captured.[1]

There can have been few Italians on board Sextus' ships. Even his soldiers were mainly provincial (p. 499). Runaway slaves furnished many of his oarsmen.[2] The ships Lepidus provided were doubtless manned in Africa, and those which Antony sent should have retained their original eastern crews. What of Octavian's? Suetonius tells us that he set 20,000 slaves free and trained them as rowers. Kromayer remarks that they would have sufficed for only about 120 triremes.[3] But Kromayer estimates the number of Octavian's own ships as 300. Now it is significant that the slaves he employed had to be freed first. As in the permanent navy of the Principate, slaves as such were deemed unqualified for any form of warfare.[4] We must then assume that the rest of the crews were also free. Since huge forces were required by land, and since the very poorest free-born citizens were now liable for enlistment in the legions, it is unlikely that any significant number of men from this class were available for rowing. The remaining oarsmen must then have been provincials or freedmen from Italy.[5] As in A.D. 6 and 9, Octavian would not have scrupled to conscribe freedmen, any more than he now scrupled to free slaves for naval service. But we cannot determine the proportions in which freedmen and provincials were used. Since many of the warships were quinqueremes or quadriremes, the total number of oarsmen needed over and above the 20,000 slaves may well have been 50,000. Thus the strain on Italian manpower in 38–36 may have been substantially greater than the number of legions in itself suggests.

Large naval forces were again employed in 32–31. Once more, Antony's fleet was obviously manned by easterners. Kromayer generously assumes that Octavian had between 500 and 600 ships.[6] There is no evidence on their manning. Probably the same personnel was used as in 36.

Warships always had marines on board, who were reinforced when a battle was thought to be impending.[7] I see no reason why even the permanent force of marines should not have been 'seconded' from the legions both in the war with Sextus and in 31. In that case we need not make any extra allowance for marines in seeking to determine how many soldiers were under arms in these years.

[1] Kromayer 450 ff.

[2] Dio xlviii. 19. 4; xlix. 12. 4; App. *BC* v. 131; Oros. vi. 18. 33; *RG* 25. 1. Augustus captured about 36,000.

[3] Suet. *Aug.* 16, cf. Dio xlviii. 49. 1; Kromayer 455 n. 163.

[4] C. G. Starr, *Roman Imperial Navy*, 1941, ch. V, esp. p. 70.

[5] Dio refers only to financial contributions from the provinces, see n. 3.

[6] 458 ff.

[7] 481 ff. The number of *epibatai* per ship attested in this period (488 ff.) averages about 80 or 90, and in most cases they are demonstrably legionaries.

(viii) *Summary: Italians in the Legions*[1]

At the end of 50 Caesar had 9 Italian legions and there were 2 in Italy, 6 in Spain, 2 in Cilicia, and 2 in Syria. The last 4 were so depleted that we may allow them no more than 10,000 men, but I see no reason why the rest should not have been on average 4,000 strong; though Caesar's legions had been long in service, they had been reinforced from time to time by *supplementa*. Hence, about 80,000 Italians were under arms.

In 49 Pompey raised 3 more legions in Italy, while Caesar before Pharsalus had raised the total of legions ever in his service (including $3\frac{1}{3}$ which had been lost) to at least 27, or more probably at least 31; from this total we must deduct his 10 veteran legions (including now V Alaudae) and the ex-Pompeian legion numbered II in Spain, to determine how many new legions he had formed by levies in Italy; the result is 16–20. If we set the average strength of the 19–23 new legions at only 4,000, it appears that not less than 76,000–92,000 Italians had been recruited, and that in these years not less than 156,000–172,000 were in arms. Italians enlisted in the provinces by the Pompeians are not counted.

Between Ilerda and Caesar's death all Caesar's 9 veteran legions enlisted in Italy (as well as V Alaudae) and all the legions which had fought on the Pompeian side were disbanded, though 3 or 4 new legions were formed from the survivors of the army defeated at Pharsalus. None the less at Caesar's death there were between 34 and 36 Italian legions in being. At an average strength of 4,000 they comprised about 140,000 men. As few had seen much fighting, wastage should have been slight since their formation (as late as 45 in at least one case), and considering that Caesar intended to embark on new wars and conquests, we might guess that he would have brought some more nearly up to a nominal strength of 5,000; hence the number of Italians under arms in March 44 might have approximated to 160,000. Hardly more than 12,000 (ex-Pompeians) can have been enlisted before 49,[2] and when we allow for losses among new recruits since the civil war began,[3] we may judge that their total number might have been close to 200,000, over half perhaps since Pharsalus.[4]

[1] *Statements in this section are founded on the evidence examined in the preceding sections.*

[2] The maximum number of ex-Pompeians re-enguged after Pharsalus was 24,000; about half of Pompey's army consisted of men already under arms in December 50; on the same ratio not more than 12,000 of those re-engaged should have belonged to that class. Varro's IInd legion in Spain, retained in 49, was probably disbanded in 45 (p. 231).

[3] e.g. the loss of the greater part of $3\frac{1}{3}$ Caesarian legions in 49–48, heavy casualties among the Pompeians at Pharsalus and among Caesar's troops in Spain in 45. 25,000 would not be an extravagant guess. To this normal wastage must be added, perhaps 10,000, making 35,000 in all.

[4] The following are the extreme calculations. (i) 175,000 in 44, less 12,000 ex-Pompeians recruited before 49 and 40,000 (75,000 − 35,000, cf. last note) recruited in 49–48 = 123,000; (ii) 140,000 in 44, less 12,000 ex-Pompeians (as above) and 55,000 (90,000 − 35,000) recruits of 49–48 = 73,000. I suspect that many more men had been raised before Pharsalus than allowed above.

By the end of 43 the triumvirs had 43 legions under their command, not including (if my computation on pp. 484 f. is correct) 2 regular legions in Africa and Sardinia nor the local African levies, while the Republicans disposed of 21; the total is 66. Of these legions at least 3 raised by Lepidus and 2 by Plancus and perhaps 4 or 5 in the Republican armies were 'vernacular', and there was no doubt a substantial non-citizen element in the reconstituted V Alaudae and in some of the legions raised by Antony and D. Brutus after Mutina. We might suppose that the men of 12 legions or their numerical equivalent were non-Italians, and that 54 legions were Italian. I have maintained in section iv that in giving 170,000 men as the complement of 28 legions Appian unrealistically supposed that legions were at their maximum notional strength; even the triumviral legions at Philippi should not be taken to have been on average more than 5000 strong, and those which they left in the west, like the legions of Brutus and Cassius, were probably weaker. I have also estimated that the triumvirs had some 80,000 veterans at the end of 43. A few provided the cadres for the Caesarian legions reconstituted by Octavian, Antony, and Lepidus. Most belonged to the 16 legions stationed in the west at Caesar's death plus the 4 withdrawn from Macedon by Antony. That gives an average of about 4,000 per legion. Very probably the Macedonian legions, which were among those intended to have taken part in Caesar's projected eastern war, had been stronger than the rest before the battles at Mutina, and we may perhaps allow that there were 90,000 men in March 44 in the veteran triumviral legions. All the legions in the east, which were to have taken part in the eastern war, were then probably 5,000 strong, but they may have included 2, the *legio Pontica* (if it still survived) and one of those stationed at Alexandria, which had been raised in the east; in that case the Italian legions that came under the command of Brutus and Cassius, including one under Caecilius Bassus, numbered 14 and comprised perhaps 70,000 veterans; if none were 'vernacular', there were 16, comprising 80,000 veterans. Among these veterans were some 12,000 ex-Pompeians probably enlisted before 49 (p. 509 n. 2); 58,000–68,000 were Italians recruited since the beginning of the civil wars. On these calculations it follows that in March 44 the survivors of the recruits called up since 49 totalled some 150,000–160,000. The recall to the standards of Caesar's old soldiers in the west may have compensated for losses this class sustained before Philippi. But by the end of 43, with 54 Italian legions or the equivalent in service, some 216,000–270,000 Italians must have been under arms, of whom between 66,000 and 120,000 had been enlisted after Caesar's death. In addition the remaining 12 legions would have comprised 48,000 to 60,000 provincials, of whom perhaps 25,000 were with the Republicans.

No doubt many of the new legions had been raised hurriedly and initially were far from being 'full'. In Chapter XIX, section vii, I estimated that the

triumvirs had under their command at the end of 43 some 200,000 men, of whom 120,000 had been enlisted since Caesar's death. This estimate is required for my reconstruction of the rhythm in which Augustus discharged his soldiers. It may seem to be rather high. If we take the number of the triumviral legions to be 43, it implies an average of 4,650 men per legion. However, we should certainly also include the 2 regular legions in Africa and Sardinia and perhaps 3 other African legions, formed out of local levies, which came under Octavian's control in 36 with the rest of Lepidus' forces. That brings down the average to just over 4,000. It may also be urged that there was time after the pact of Bononia for the triumvirs to levy more men and bring up to strength legions which had not so far attained a normal complement. The fact that L. Antonius raised more soldiers in 42 shows that conscription was not intermitted when the triumvirate was formed. I would guess that Italians contributed not less than 80,000 of the new recruits; some 20 legions had been raised in Italy, even if we are careful to avoid double counting (p. 483).

I have also argued (p. 336) that some 90,000 men must have been recruited in Italy in 42–40, and guessed (p. 341) that the legionaries in service in 31 included some 105,000 men enlisted since 40. Now Octavian had taken into his own army the men recruited in Africa since 40 by Lepidus, perhaps 15,000 (p. 499), and the free-born soldiers of Sextus Pompey, perhaps 25,000, who doubtless included an unknown proportion of refugees from Italy (p. 500). In addition there were the easterners recruited by Antony since 36, who may well have exceeded 20,000. Allowing for wastage, we may guess that the number of Italians Octavian had levied since 40 may not have been more than 50,000. In my judgement survivors of the 42–40 class were discharged between 27 and 15 and of the other classes named in 14.

These conclusions are summarized in the Table below.

TABLE XV

RECRUITMENT IN ITALY, 49–30

Italians under arms 50 B.C.	80,000	Most dead or discharged by March 44
Recruited 49–March 44	200,000	Most dead or discharged by 40
Recruited 44–43	80,000	" " " " by 30–28
Recruited 42–40	90,000	" " " " in 27–15
Recruited in 30s	50,000	" " " " in 14
Recruited 49–32	420,000	

It is assumed in the last line of the table that no men were enlisted later than the year before Actium. Enlistments thus stretch over 18 years. On average 23,000 men were enrolled in the army each year; it is conceivable that they

included some previously discharged. After Caesar's colonization overseas, the number of adult male citizens in Italy on my estimates could have been about 1,200,000, of whom 900,000 were probably *iuniores*. The intake into the army was thus about 2·55 per cent per annum. At the time of Philippi over 25 per cent of the Italian youth were under arms. This proportion cannot have fallen much in the next years. Since, however, the number of freedmen was very large, the burden on the *ingenui* was much heavier than the statistics reveal. In the Hannibalic war and in the 80s it had been heavier still, but not even in the first of these periods was the strain quite so protracted, and in the 80s most of the troops could be disbanded after two years of fighting.

APPENDICES

PART ONE

1. *TABULAE CAERITUM*[1]

ACCORDING to Strabo the Romans, 'in giving the franchise to the Caerites, did not enrol them among the citizens, but used also to relegate the others who had no share in *isonomia* to the tablets of the Caerites'.[2] Gellius, after recording that the Caerites were regarded as the first *municipes* who had *civitas sine suffragio*, adds: 'hinc "tabulae Caerites" appellatae versa vice, in quas censores referri iubebant, quos notae causa suffragiis privabant'.[3] Such disfranchised citizens were, in Horace's phrase, 'Caerite cera digni'.[4]

Strabo's language is often taken to mean that all half-citizens were enrolled in the *tabulae Caeritum*.[5] This would be surprising; why should Capuans, Sabines, or Fundani ever have been treated as if Caerites? Since the half-citizens were not registered in the tribes and centuries, it was inevitable that special lists should be kept of them, but one would expect that there were separate *tabulae Caeritum, Fundanorum*, etc. Gellius and Horace give no support to this interpretation of Strabo's words. They only suggest that non-Caerites entered on the *tabulae Caeritum* were full citizens whom the censors deprived of votes. Strabo's vague allusion to 'the others who had no share in *isonomia*' can easily have the same sense.

Naturally it may be asked why the Caerite roll should have been selected to accommodate disfranchised citizens. There is an easy answer: the practice arose when there was no other roll of *cives sine suffragio*. It can be assumed that Caere was the last community of half-citizens to earn full citizen status, probably because, as an Etruscan community with proud traditions, Caere was the last to Romanize itself.

It may be objected that all the half-citizens were entered on the *Caeritum tabulae* because Caere was the first city to receive *civitas sine suffragio*; having once drawn up this schedule, the Romans never took the trouble to introduce others. But it seems to me altogether incongruous that the far more numerous peoples who received half-citizenship from 338 were simply assimilated to Caerites. The government would have wished to know the resources of each of the communities concerned, and to distinguish them. Moreover, it is extremely unlikely that Caere was the first city to receive half-citizenship. This assertion rests on the sole authority of Gellius, and Gellius merely vouches for it with the word 'accepimus'. It might have been based on the tradition (which is doubtless sound) that Rome in early times had friendly relations with Caere, and perhaps

[1] See M. Sordi, *I Rapporti Romano-Ceriti e l'Origine della civitas sine suffragio* (1960), cf. the review by A. N. Sherwin-White, *JRS* li, 1961, 240 ff. and discussion by Toynbee i. 410 ff. [2] v. 2. 3. [3] xvi. 13. 7. [4] *Ep.* i. 6. 62.

[5] e.g. Mommsen, *StR* ii³. 406 (he thinks Capuans after 189 appeared on a separate list); Beloch, *Bev.* 309; Sordi 46.

on a false inference from the existence of the *Caeritum tabulae* down to a time when similar schedules for other *cives sine suffragio* no longer existed, being no longer required. But most probably it rests on a confusion between *civitas sine suffragio* and *hospitium publicum*.

There seems to be good evidence that Caere was friendly to Rome at the time of the capture of Veii, that the Caerites gave protection to the Roman *sacra* and priests when Rome was sacked by the Gauls, that they defeated the Gauls on their return to the north and that for the next thirty years Rome and Caere acted in close co-operation.[1] Gellius and Strabo held that the Caerites received *civitas sine suffragio* in return for sheltering the Roman *sacra* from the Gauls, but Livy speaks only of a grant of *hospitium publicum*.[2] In Livy's mind, as in that of any Roman in the historic period, this must have been something quite distinct from *civitas* (however *civitas* was limited); the *hospes* was, as such, a foreigner, though entitled to hospitality and protection; *hospitium publicum* meant that this hospitality and protection was offered by the state itself either to an individual or to another state, and all its citizens.[3]

Marta Sordi has recently illuminated the kind of relationship which probably existed between Rome and Caere in the early fourth century by apt parallels. A treaty of the time between Rome and Massilia (whose historicity she upholds) guaranteed to Massiliotes at Rome immunity and a place at shows.[4] The second Roman treaty with Carthage (which she dates to 348) authorizes the Roman visitor to Carthaginian Sicily or to Carthage 'to do and sell all things as a citizen may do and sell' and confers the same rights on Carthaginians at Rome.[5] Similar provisions probably stood in the treaties between Carthage and the Etruscans to which Aristotle refers.[6] These treaties do not, however, make the privileged foreigners concerned into citizens but only confer on them some of the rights of citizens. Gellius may well have drawn on a good tradition when he says that Rome granted the Caerites 'ut . . . negotiis . . . atque oneribus vacarent pro sacris bello Gallico receptis custoditisque'. Caerites at Rome were to be free of the burdens of citizenship, burdens which would naturally have been imposed on *incolae* in general (cf. p. 525 n. 6). Just so, Athens normally imposed on metics the obligations to pay taxes and render military service, but could and did sometimes grant immunity.[7] This kind of privilege is satisfactorily denoted in later Latin by *hospitium publicum*, and not by *civitas sine suffragio*, the possessors of which were second-class citizens who were liable to civic burdens. It was therefore mere confusion on Gellius' part to prefix the words quoted by the statement that Rome granted the Caerites 'ut civitatis Romanae honorem quidem caperent, sed negotiis tamen . . .'. One may then agree with Sordi that in the 380s Caerites received privileges of the kind indicated by the parallel documents, but not that these privileges could be described as *civitas sine suffragio*.[8]

[1] Sordi, cap. I–III, V.

[2] Livy v. 50, 3.

[3] See Mommsen, *RF* i. 326 ff.; L. Harmand, *Le Patronat sur les collectivités publiques* (1957), 49 ff. From abundant material one may cite Caes. *BG* i. 31: the Aedui enjoyed 'populi Romani hospitio'.

[4] Justin xliii. 5. 10.

[5] Polyb. iii. 24. 12, cf. 22. 10.

[6] *Politics* iii. 1280a.

[7] As in *IG* ii². 141. (Sordi).

[8] The Caerites are not named in the confused text of Festus–Paul discussed on p. 525.

It may be that from this time Rome kept a schedule of the Caerites as privileged metics, but on this schedule there would surely have appeared only the names of Caerites actually resident at Rome. It is also conceivable that other foreigners who enjoyed *hospitium publicum* were registered on the same schedule, and if Livy has made an error, the reverse of that here ascribed to Gellius, in asserting that in the 330s the Capuans and others secured *civitas sine suffragio*, although they only obtained *hospitium publicum*, they too might have appeared (in so far as they were resident at Rome) on the same list as the Caerites; in fact, I believe Livy's account to be correct. Sordi herself distinguishes two kinds of *civitas sine suffragio*, of which in my view the first is more properly designated as *hospitium*, while the second alone is correctly described as *civitas sine suffragio*; she suggests that Caere was ultimately degraded to the second type and that the Caerites lost their autonomy and immunity in becoming citizens. It is obvious that whenever this change occurred, the *tabulae Caeritum* (supposing them to have existed before) must have changed their character; they can no longer have listed resident Caerites as privileged foreigners, but must have listed all the Caerites for liability to the duties of citizens.

In the 350s war broke out between Rome and Caere and was ended, according to Livy, by a truce of 100 years.[1] Neither here, nor in his earlier reference to the grant of *hospitium publicum*, does Livy betray any sense that the Caerites were *cives*; his account is markedly different from that which he gives of the action taken by Rome against Fundi, when Fundi had behaved independently after receiving *civitas*.[2] Naturally Livy may be wrong, but at least his story is coherent. Both before and after the war Caere remains a separate state. There is certainly no warrant at all for the view (commonly held) that Caere was incorporated in the Roman state at the end of this conflict. Nor does Livy record the incorporation anywhere. This implies either that he ignored it, or that he recorded it in a part of his work now lost, or that the decisive moment in the relation between Rome and Caere was the grant of what he calls *hospitium publicum*, which ultimately took the form of second-class citizenship. The first view is not worth consideration. But if we adopt the third, we must still look for a cause and time for Caere's degradation, and this again should be sought in the period for which Livy's narrative is not extant.

Now Dio does record a revolt of Caere in the 270s, as a punishment for which Rome confiscated half her territory.[3] Sordi relates this to the 290s without sound reason; the settlement of Romans in the 260s in land once Caerite fits Dio's chronology. Scholiasts on Horace state that it was after a revolt that Caere received *civitas sine suffragio*, or rather that the Caerites who had been made citizens in return for their services when the Gauls sacked Rome were deprived of the vote.[4] Beloch held that it was in the 270s, after this war, that Caere first

[1] Livy vii. 19–20. [2] viii. 19.

[3] Fr. 33.

[4] Ps.-Acro on *Ep.* i. 6. 62: 'Caeritibus civitas Romana sic data ut non liceret eis suffragium ferre, quia post datam ausi sunt rebellare'; Acro and Porphyrio: 'Caere sacra Romana cum virginibus translata sunt quae cum servassent integra, pro eo beneficio Caerites civitate donati sunt municipesque facti: at postequam sunt ausi Romanis rebellare, eis devictis iterumque civitate donatis, ius suffragiorum ademptum est.'

received *civitas sine suffragio*.[1] This view seems to me correct. Sordi thinks that it was on this occasion that Caere lost her privileges (she does not reckon the vote among them) and became a *municipium* of *cives sine suffragio* in the later sense.

Every one agrees that there were *municipia* of this type before the 270s (or 290s); Sordi, for instance, holds that Anagnia at least was of this type from 306; in her opinion it was the very first.[2] On Beloch's view half-citizens cannot have been registered on *tabulae Caeritum* before the 270s, as till then the Caerites were not themselves half-citizens. But equally on Sordi's hypothesis *tabulae* registering privileged and immune persons would not have been suitable to contain the names of the Anagnini. We can only suppose that the *tabulae Caeritum* contained the names of all half-citizens on the assumption that Caere was the first community of under-privileged *cives sine suffragio*, either from the 380s or from the 350s, and for this assumption there is no evidence in Livy or any other source except Strabo (who is not clear); for the confused notice in Gellius implies that the Caerites were specially privileged.

Sordi has argued that Strabo depends on an Etruscan authority of the third century. This is certainly not provable. Suppose it to be true. Strabo criticizes the Romans for ingratitude to Caere in giving her a low status after she had aided Rome against the Gauls, and this criticism might emanate from a Caerite writer. But it would have been easy enough at a time when Caere had the half-citizenship (which was justly thought inferior) for such a writer to castigate Rome in such terms that Strabo might have wrongly supposed that the grant of the half-citizenship went back to the 380s. Indeed Strabo (who was not bound to say all he knew) might himself have added a reflection of his own on Roman ingratitude, even though conscious that there had been many vicissitudes between the sack of Rome and the limited enfranchisement of Caere.

The story that we can base on Livy and Dio is coherent. In the 380s Rome and Caere contracted *hospitium publicum*, and (as Sordi shows) co-operated for 30 years. In the 350s there was a war ended by a truce of 100 years; whether the *hospitium publicum* was then also reaffirmed we do not know. In the 270s Caere went to war with Rome again; this was in Roman eyes a rebellion, and Caere was not just punished by loss of territory but, we may suppose, only now incorporated in the Roman state. This may have been the last such incorporation of any Italian community. The notion that Caere was the first to receive *civitas sine suffragio* was based on a confusion between this status and *hospitium publicum*. The *tabulae Caeritum* had not been available before *c.* 272 to receive the names of any other *cives sine suffragio* (as distinct from other *hospites*). The assumption that they ever did contain the names of other *municipes* is groundless; it was only full citizens whose names were transferred to this schedule when they were deprived of the vote. This practice was remembered because it was in operation when there was no other schedule of *cives sine suffragio*, the rest having been promoted. As Caere was probably the last community to be incorporated, so she was probably the last to be raised to equality of rights.

[1] *RG* 363 ff. [2] Livy ix. 43. 24.

2. THE TABLE OF HERACLEA[1]

IT has long been orthodox to assume that the Table of Heraclea is Caesarian. The first section (1–19) requires certain persons to make *professiones*, which are to be posted up where the grain is distributed; they are not to be eligible for grain rations. This can be connected with the known fact that Caesar limited the number of grain-recipients; exactly how is indeed far from clear.[2] The second section (20–82) prescribes the way in which the streets of Rome are to be kept up, and it would at least not be uncharacteristic of Caesar to have made provision for this. Moreover, this section contains a reference to the 'quaestor urbanus *queive aerario praerit*' (39); and we know that Caesar put *praefecti* in charge of the treasury in January–September 45, and thereafter aediles, in place of the quaestors.[3] The third section (83–141) contains provisions relating to the enrolment of local councils (*senatum decuriones conscriptos*) in the municipalities (*municipia coloniae praefecturae fora conciliabula*) of Italy, and qualifications and disqualifications for membership. In particular, *praecones* are disqualified (94). Now in January 45 Cicero, who was then at Rome, found it necessary to inquire from Balbus about the terms of a law (which evidently was not accessible to public inspection and must still have been in draft) which affected the eligibility of *praecones* for membership of local councils; Balbus assured him that it did not exclude past *praecones*;[4] nor does our law. The law also excludes from local offices those who are disqualified for the councils.[5] The next paragraphs, which I refer to as the fourth section, concern the local registration of citizens for purposes of the Roman census (142–58). It envisages that some magistrate other than the censors might take the census at Rome, and as dictator Caesar may have intended to take some kind of census (p. 104 n. 3). The fifth and final section empowers the person authorized 'leges dare' to a *municipium fundanum* (or to the *municipium* of Fundi) to amend such laws as he had enacted within the next year after the passing of this law, and gives such amendments full effect (159 ff.).

The third section has often been identified with a Lex Iulia Municipalis, in virtue of which an imperial *IIIIvir aedilicias potestatis* claimed to have held office at Patavium.[6] If this be right, he must have meant that he was not disqualified by any of the provisions of our document which debarred certain persons both from membership of local councils and from local offices. Others think that he referred to a statute governing the *municipium* of Patavium alone. On either view it is not easy to see why he alone paraded the legality of his tenure.

[1] *FIRA* i². 13 with bibliography, esp. A. von Premerstein, *ZSS* xliii, 1922, 45 ff.; to which add E. Schönbauer, *RIDA* i, 1954, 373 ff. (with review of previous theories); M. W. Frederiksen, *JRS* lv, 1965, 183 ff.

[2] Suet. *Caes.* 41. 3, cf. Dio xliii. 21. 4.

[3] Suet. *Caes.* 76; Dio xliii. 28. 2, 48. There is no force in v. Premerstein's collation of the Tabula v. 54 with Caesar's sumptuary measures (Suet. 43. 1).

[4] Cic. *Fam.* vi. 18. 1.

[5] Cf. Frederiksen, n. 72.

[6] *ILS* 5406.

There is no confirmation that any Julius passed a special statute for Patavium, or a general municipal law (unless the present Table can independently be identified with such a law); the numerous references in the codes to a *lex municipalis* may all relate to the statutes which severally regulated the individual cities, and do not indicate that a general law was passed by a Julius.[1]

There is some reason to connect each of the first four sections with Caesar. But none of the arguments is conclusive singly and the connection of the fourth is particularly tenuous. That which depends on Cicero's inquiry from Balbus is not as strong as it first appears. It proves that Caesar was drafting a law which corresponded to part of the Table, but it is not impossible that the clause relating to *praecones* was tralatician; it was feared that Caesar intended to disqualify past *praecones*. In fact he did not; that might mean that he kept to the terms of some previous law, preserved in our Table (but see below). If von Premerstein is right on the last section,[2] at the time of the law the constitution of Fundi was being remodelled; and this too might point to the time of Caesar's dictatorship, for Fundi was one of a group of towns enfranchised together in 188 and linked by having three aediles as their chief magistrates, and we know that another, Arpinum, was being reconstituted in 46.[3] There are serious objections to this interpretation.[4] At best von Premerstein's arguments have cumulative force—on one condition, that all the clauses belong to a single Roman law, whether a *lex data* of Caesar's (as Savigny and others held) or a law enacted by Antony in virtue of the validation of 'quae (Caesar) statuisset, decrevisset, egisset' (as proposed by von Premerstein). Neither hypothesis is free from grave difficulties.[5]

Schönbauer held that the law could not be Caesarian because the spelling is archaic by comparison with the Caesarian Lex Ursonensis. However, it seems likely that that document was not inscribed until the first century A.D. Moreover, the archaic features in the spelling of the Table are also to be found in the so-called Lex Rubria, which must be later than 49 B.C. And we have to reckon with the possibility that local engravers each had their own orthographic practices, or that different clerks in the chancery spelt in different ways (as might easily occur, especially if they were men of different ages, living in a time when spelling was in flux). Thus Schönbauer's attempt to show that the document *cannot* be Caesarian fails.[6]

The first section of the Table clearly belongs to a time when there were corn distributions at Rome. Schönbauer thought it followed the re-establishment of these distributions by Lepidus or the Lex Terentia Cassia of 73 B.C.[7] Only the second alternative is at all plausible, since it can hardly be doubted that Lepidus'

[1] Of references given by Liebenam, 471 n. 1, only *Dig.* l. 9, 3 suggests a general *lex municipalis*, and the context, if fully preserved, might show that this was not a just inference.

[2] *ZSS* xliii, 1922, 68 ff. [3] *Fam.* xiii. 11. 3.

[4] Schönbauer (op. cit.), section vi; (*a*) the name of the person authorized 'ut leges daret' might be expected; (*b*) Fundani would suffice, without 'municipes'. Cf. also Frederiksen 191 on the natural sense to be given to '*eius* municipii' and '*eis* municipibus'.

[5] See v. Premerstein's criticism of the first view (pp. 83 ff.) and Schönbauer's (section iii) and Frederiksen's (p. 194) of the second.

[6] Op. cit., section ii. His arguments from content against Caesarian authorship (section iv) are not cogent.

[7] Section v of his article. For Lepidus' law see Licin. 33; Sall. *Or. Phil.* 6.

law was repealed.[1] A date in the 70s might fit the allusion in the fourth section to the censor or any other magistrate who shall take the census at Rome, for in that decade the censorship was in abeyance. Similarly, in the second section, it is envisaged that some magistrate other than the censor may let public contracts (73), as the consuls of 75 are known to have done.[2] The allusions to the censorship, if dated to this period, would of course prove that Sulla had not formally abolished the office; but there has never been good reason to suppose that he did. But these formulas may be due simply to legal caution, the draughtsman bearing in mind the possibility, which always existed, that the functions of censors could be discharged by other magistrates.

We certainly do not know enough about the administration of the *aerarium* in the late Republic to be sure that until Caesar it had been invariably in the hands of the urban quaestor. Extraordinary arrangements may easily have been made in the 80s, and a prudent legislator might therefore properly add 'queive aerario praerit' after the urban quaestor.[3]

If we read 'municipium fundanum', it will probably be necessary to revert to the old derivation of 'fundanum' from 'fundus (fieri)'; such a *municipium* will be one which had adopted the Lex Iulia of 90 B.C. and thereby secured the Roman citizenship.[4] On that view the earlier this part of the document can be placed, the more convenient. It is hard to believe that the constitution of these new *municipia*, enfranchised in 90, had not yet been completed in the 40s. A date in the 80s would be most suitable.

On the other hand, in the third section the exclusion from local office of anyone who had taken a reward 'ob caput civis Romani referendum' (122) points to a time after Sulla, as Schönbauer recognizes, and indeed to a time of reaction against Sulla, for which the 60s seem too early and the 50s or 40s more appropriate.[5] I do not understand why Schönbauer inconsistently argues that the law as a *whole* might belong to the 80s.[6] That does not merit discussion. But if the Tabula represents a selection of Roman laws, one part, e.g. the fifth section, could be Sullan or earlier.

The diversity of the subjects covered in the Tabula remains perplexing, if it be assumed that the Tabula comprises a single Roman law. There is no justification

[1] Sall. *Or. Macri* 19 describes the lex of 73 (Cic. *Verr.* ii. 3. 163, 173, 5. 52) as 'repentina'. It is wholly probable that the optimates put an end to Lepidus' *largitiones*, cf. p. 378.

[2] The consuls of 75 did so (*Verr.* ii. 1. 130, 3. 18).

[3] It is only because our sources are interested in Saturninus that we know that in 104 the functions of the quaestor at Ostia were transferred to a special commissioner (*MRR* i. 560).

[4] The suggestion by H. Rudolph, *Stadt u. Staat im röm. Italien*, 1935, 176 ff. that 'municipia fundana' were towns constituted under the Lex Mamilia Roscia Peducaea Fabia Alliena (which he dates reasonably to 55 B.C.) and were so called because that law made *ager publicus* into *fundi* is rightly rejected by M. Cary (*JRS* xxvii, 1937, 51) on the ground that all *municipia* comprised *fundi*, and that the term could not then have described a distinctive class. Rudolph's interpretation of the law of 55 is also open to grave question.

[5] See Suet. *Caes.* 11 and Plut. *Cato Min.* 17 for such a reaction against *Sullani* in the 60s. But one might doubt if it could have found expression in legislation so early. By the time of Caesar's dictatorship the exclusion would have been largely programmatic; there was little chance of such men being elected to municipal office; still, it remains most plausible to ascribe the clause to Caesar.

[6] Section ix of his article.

for supposing that anyone resorted to a patently illegal *lex satura* in the period between the dictatorships of Sulla and Caesar, which would have been at once exposed to annulment. That was a risk Caesar had no need to fear, but he also had no need to violate the constitutional rule. This difficulty is met if we suppose that the Tabula contains a selection of provisions from Roman laws of interest to the Heracleots.[1] But once this supposition is made, there is no reason to assume that all the laws are of the same date. Moreover we can believe that in this 'digest' of Roman laws the local authorities interpolated clauses, to take account of changes in the law made at Rome. M. W. Frederiksen has recently shown that the authorities at Urso seem to have acted in this way, and that the reference in our document to the disqualification of *praecones* looks like an insertion, disturbing the natural sense. It is indeed odd that legislation on corn-distribution and the upkeep of roads at Rome should have been thought worth publishing at Heraclea, but Frederiksen notes that Heraclea had or had had her own *sitagertai*, and her own *polianomoi*, and the Roman regulations could have been regarded as a pattern for local emulation.

If this be so, we cannot be certain that the third section is in its entirety to be dated to a time of reaction against Sulla, merely because of one clause which may have been interpolated later. The only *terminus post quem* for the Tabula as a whole is the enfranchisement of Heraclea under the Lex Iulia, i.e. *c.* 89 B.C.[2] The census section has no clear connection with the time of Caesar. There is nothing to show that it was essentially novel. It is consistent with its wording to hold that it had long been the practice for *municipia* and colonies to register resident Roman citizens, but it would have been worth stating, very soon after many communities had acquired the citizenship, that they must effect the registrations in accordance with the Roman practice, which doubtless might have differed in sundry points from that which they had followed as *socii*; a procedure known to the older *municipia* and Roman colonies had to be clearly conveyed to the new. I may note two details. The section concerns only townships in 'Italy'; if it be dated after Cisalpina became a province, this would seem to exclude the Roman communities, new and old, in Cisalpina. Naturally, it would be absurd to suppose that Cremona was denied the responsibility granted to Alba Fucens; the more remote a town was from Rome, the more necessary to delegate the work to local magistrates. On this view we could presume that all such matters concerning Cisalpine Gaul were the subject of a different Roman law, which was of no interest to Heraclea. However, Cisalpina had long been regarded as part of Italy (p. 169), and perhaps the fourth section could be dated to a time in the 80s, before it was constituted into a province; alternatively, for certain purposes it still remained part of Italy even afterwards. (For instance, *praedia* of Roman citizens in Cisalpina were surely still to be registered in their census returns.) Secondly, the townships mentioned are 'municipia coloniae praefecturae', not 'conciliabula' or 'fora'. We cannot tell what is the significance of this. Elsewhere too a triple classification takes the place of the five-fold. Perhaps at the time when

[1] So Frederiksen.

[2] In the paragraph concerned with *infamia* the reference to actions *de dolo malo* implies a date after 75, if Cic. *Nat. Deor.* iii. 74 means that it had recently been devised at the dramatic date of his work and is correct on this.

the census-section of the Tabula was drafted, the *praefecturae* were deemed to include the *fora* and *conciliabula* (cf. p. 524 n. 2); perhaps the latter were not yet held to have magistrates to whom the work of enumeration could be entrusted; the previous paragraphs in which the *fora* and *conciliabula* are shown to have their own councils and magistrates and are generally, but not always, placed on a par with *municipia*, etc., may come from a later time, when development had proceeded further. The final section of the Tabula may be the earliest, very soon after the allies concerned had become 'fundi' of the Lex Iulia.[1]

[1] [Larinum, an ex-rebel community, had *quattuorviri* before Sulla's dictatorship (Cic. *Cluent.* 25). This fits the view, which common sense suggests, that the local government of the newly enfranchised communities, including of course those which had remained loyal, was regulated by Rome shortly after their incorporation in the Roman state; their magistrates would naturally have been vested with rights and functions similar to or identical with those which had belonged to the magistrates of Roman colonies and *municipia* before 90. It may be noted that the Latin colonies in Cisalpina certainly became *municipia* under the Julian law (Cic. *Pis. ep.* Ascon. 2 C). At this time Cisalpina was still a province. Was the grant of Roman citizenship also extended to Latin colonies overseas (pp. 206 n. 3; 215 f.)? Hoyos in his thesis (cited on p. 722) 92 argues that as the lex Plautia Papiria granted citizenship to *ascripti* of peoples enfranchised by the Lex Iulia, only if domiciled in Italy (Cic. *Arch.* 7), the benefits of the Lex Iulia itself were limited to Italian peoples, including the Latin colonies of Cisalpina. This argument is manifestly not cogent. I know of no means of settling the question.]

3. ITALIAN MUNICIPAL AUTONOMY BEFORE 90 B.C.

I HAVE elsewhere in this book maintained that the local magistrates of *municipia* and colonies took a large part in registering the citizens and calling up troops long before the first century B.C. Whatever the merits of my arguments on these questions, when they are considered by themselves, the conclusions may seem untenable on more general grounds to scholars who think that such local magistrates possessed very restricted powers in the middle Republic. My purpose in this Appendix is to show that on the contrary the evidence permits or encourages us to believe that townships of Roman citizens always enjoyed considerable local autonomy, and that the *praefecti iuri dicundo* sent out from Rome need not have entrenched on the administrative functions of the town magistrates. I shall not attempt to give a full description of the municipal system in this period—that would evidently require too much space—but to say only as much as may be germane to this special purpose.[1]

The Table of Heraclea refers to the magistrates, variously styled, and the councils 'in municipeis coloneis praefectureis foreis conciliabuleis civium Romanorum'.[2] By its time *municipia* were allied or Latin communes which had been granted the Roman franchise, colonies towns where there had been a settlement of Romans, *fora* and *conciliabula* market-towns or other centres for the population of districts settled by citizens (Appendix 11). *Fora* and *conciliabula* might also have been, or still be, called *praefecturae*, because it had been the Roman practice to send out *praefecti iuri dicundo* to do justice locally in such rural areas. *Praefecti* had similarly been appointed with jurisdiction in Roman colonies such as Puteoli and in allied townships which had received the Roman franchise before 90, but the name 'praefectura' tended to go out of use for these communities in the late Republic; they were *municipia* or colonies. Indeed, the term eventually almost disappeared, as the towns which had grown up naturally in districts of rural settlement and had developed their own communal organizations received municipal charters. In the Principate the Italian towns are almost all called *municipia* or colonies.[3]

[1] For recent discussions with citations of evidence and modern works see F. de Martino, *St. della Costituzione Rom.* ii, 1960, 64–118; Toynbee, i. 172–248. I am also much indebted to A. N. Sherwin-White, *Roman Citizenship*, 1939. For reasons given by him and others, esp. H. Stuart Jones, *JRS*, 1936, 268 ff., I do not find the main contentions of H. Rudolph, *Stadt u. Staat im röm. Italien*, 1935, acceptable.

[2] *FIRA* i. 13. 83, etc. For date of this document see Appendix 2. In certain contexts, whether by design or carelessness, it refers only to 'municipium, colonia, praefectura' (e.g. 89, 142); in 149 the term 'municipium' is already used to denote all these three classes. A more elaborate list of types of inhabited place in Cisalpine Gaul is to be found in *FIRA* i, no. 19, the fivefold classification in no. 12; the threefold in no. 20; Cic. *Sest.* 32: *Pis.* 51, *Phil.* ii. 58, iv. 7; *municipia* and colonies alone in *Dom.* 75, *Phil.* iii. 13, 38; he also refers to *praefecturae* (Atina, Fulginiae, Arpinum) as *municipia* in *Planc.* 19–22: *Varen.* fr. 4; *Fam.* xiii. 11.

[3] On *praefecturae* cf. *infra*. Amiternum and Reate are still styled prefectures under Augustus (*ILS* 3701, 6543), Forum Clodii in A.D. 165 (ibid. 6584). For 'coloniae et municipia' as equivalent to Italian townships see Sherwin-White 182.

To writers in the Principate a *municeps* is simply a person who enjoyed local political rights in a *municipium* (and even in a colony).[1] Philologically, however, it is clear that *municipium* is derived from *municeps* and must once have meant a community of *municipes*. A *municeps* is, literally, one who takes *munia*. The root *mei* from which *munia* (or *munera*) comes denotes exchange; the *munia* were then rights or obligations or both, which were assumed by the *municeps* in a city not his own. The first *municipes* in the Roman state must have been foreigners who assumed the *munia* of Roman citizens.[2]

The second-century scholar Festus, who drew on the antiquarian works of the Augustan Verrius Flaccus, after giving definitions of *municeps* appropriate to the later usage, adds: 'At Servius filius aiebat initio fuisse, qui ea condicione cives fuissent, ut semper rem publicam separatim a populo Romano haberent, Cumanos, Acerranos, Atellanos, qui aeque ⟨cives Romani fuissent et in legione merebant, sed dignitates non capiebant⟩.'[3] (The last words are restored from the excerpts made of his work in Carolingian times by Paulus and quoted below.) The view of 'Servius filius' (whom some identify with the great jurist of the late Republic, Ser. Sulpicius Rufus) was, therefore, that the original *municipes* belonged to communes which always continued to enjoy local self-government and that they served in the legions and doubtless performed other civic *munera*, e.g. payment of *tributum*, but were not eligible for offices, though, as citizens, they must have enjoyed at least the private rights of the franchise.

In his excerpts from Festus under the same title *municeps* Paulus introduces a notion not found in the original article, which he presumably derived from Festus' lost article on *municipium*. 'Municipes erant, *qui ex aliis civitatibus Romam venissent*, quibus non licebat magistratum capere, sed tantum muneris partem, ut fuerunt *Cumani, Acerrani, Atellani*, qui et cives Romani erant, et in legione merebant, sed dignitates non capiebant.'[4] Although Paulus gives the same examples of *municipes* as in the extant text of Festus, he has added a new point; it was not all the Cumani, etc., who became *municipes*, but only those who had 'come to Rome', presumably as permanent residents rather than as mere visitors. Again under the title *municipium* he writes: 'id genus hominum dicitur, qui cum Romam venissent neque cives Romani essent, participes tamen fuerunt omnium rerum ad munus fungendum una cum Romanis civibus, praeterquam de suffragio ferendo, aut magistratu capiendo; sicut fuerunt Fundani, Formiani, *Cumani, Acerrani*, Lanuvini, Tusculani, qui post aliquot annos cives Romani effecti sunt.'[5] Here there is a patent contradiction with the excerpt previously quoted; the *incolae* concerned, and again those from Cumae and Acerrae are cited as examples, performed *munera* without being citizens at all, though Paulus supposes that after a few years they acquired citizenship; his words are naturally read as meaning that they were promoted individually after residing and performing *munera* for some years. Now it may well be that early Rome imposed *munera* in the sense of burdens on resident aliens (*incolae*).[6] But it is hard to see why such an obligation

[1] Gell. xvi. 13. 2–3; Ulp., *Dig.* l. 1. 1. 1.
[2] Toynbee 189 ff.
[3] Festus 126 L.
[4] Festus 127 L.
[5] 135 L.
[6] Berger, *RE* ix. 1249 ff., on *incolae* later; cf. p. 516 on Caere. The voting rights possessed by *incolae* in Latin *municipia* of the Flavian period (*FIRA* i, no. 24, LIII) are confined to those

should have affected only the citizens of certain specified communities,[1] and those which are known to have been incorporated as such in the Roman state and to have become *municipia* (with or without political rights) in the sense of the term which is fully authenticated. I suspect that some antiquarian conceived the notion that the first *municipes* were aliens resident at Rome, a hypothesis which, even if true, could hardly have been grounded in evidence, and that either he, or perhaps Paulus himself, contaminated this hypothetical sense of *municeps* with that in which it denoted the citizen of a community like Cumae who was a Roman *municeps*, whether or not resident at Rome. Paulus' statement that the *municipes* in the category defined were not Roman citizens might also be interpreted in the context as meaning only that they were not full citizens, possessed of political rights; for if they were not citizens at all, what was the point of adding that they could not vote or hold magistracies? (Whatever this confused text may mean, and whether or not it reflects the views of Verrius Flaccus, it should certainly not be taken to prove that Livy was wrong in holding that in 338 the peoples of Lanuvium and Tusculum received full citizenship; there is no reason to think that an antiquarian was better informed than the annalists.[2])

In my judgement the statement that *municipes* served in the legions is likely to refer to the known class of *municipes* (within which all Paulus' examples fall), i.e. to the citizens of towns which were incorporated in the Roman state (cf. pp. 17 ff.). Paulus indeed goes on to distinguish this class from that just described as 'quorum civitas universa in civitatem Romanam venit, ut Aricini, Caerites, Anagnini'. In the annalistic tradition, which is clear and credible, there is no means of distinguishing the status of Aricia from that of Lanuvium, nor the status of Cumae from that of Caere. Paulus then adds yet a third category: 'qui ad civitatem ita venerunt, uti municipia essent sua cuiusque civitatis et coloniae'. I find the last phrase unintelligible, but the instances given (Tiburtes, Nolani, etc.) make it clear that Paulus' source, which he manifestly failed to understand, referred to the allied communities which were enfranchised in and after 90. Between these communities and those which had been incorporated earlier there was no difference of status; they merely acquired the same rights at a much later date. Paulus' attempt to distinguish them shows only that he did not know what he was writing about.

with Roman or Latin status, and have their origin in the limited voting rights of Latins at Rome in the Republic, not in the status of early *municipes*.

[1] Bernardi's attempt (*Athen.* xxvi, 1938, 239 ff.) to explain the ancient view that the Caerites were the first *municipes* by supposing that they received citizen rights individually during residence at Rome (where they might have come in great numbers to assist in rebuilding after the Gallic sack of the city) finds no support in Paulus' excerpts, where Caere is one of the instances of communities receiving the citizenship collectively; it is not named in his first group. See further Appendix 1.

[2] Livy viii. 14. For differing views on the correctness of his account see Toynbee 204 (right); it seems to me arbitrary to reject it. Whatever doubts we may have about the reliability of the annalistic tradition, there is no reason to think that Festus had access to better information about early times. We might reasonably suppose that the date when communities were given the citizenship and the status they then enjoyed would have been among the best remembered events of early Roman history.

Gellius defines *municipes* as 'cives Romani ex municipiis, legibus suis et suo iure utentes, *muneris tantum cum populo Romano honorari participes*, a quo munere capessendo appellati videntur'; the words italicized suggest that he had in mind only communes of half-citizens.[1] He adds that the Caerites were the first to be made 'municipes sine suffragii iure', a statement I gave reasons for rejecting in Appendix I. Livy characterizes the people of Fundi, Formiae, and Arpinum as 'municipes' in 188, at the time when they were raised to full citizenship.[2] No one indeed can doubt that the communities of *cives sine suffragio* were *municipia*.

But Paulus' classification of the Ariciana as *municipes*, and indeed his inclusion of the Lanuvini and Tusculani[3] in his first group (which in reality represents a selection of *communities* enfranchised), raises the question whether the term did not also apply from the first to cities which received the full citizenship before 90. As the *munia* which the *municeps* assumed could be rights and privileges as well as obligations (p. 525 n. 2), there is no philological objection to this view. The fact that Tusculum, etc., were undoubtedly called *municipia* in Cicero's time (note 3) naturally suggests that they could have borne this name from the first.

Suppose, however, that in the fourth and third centuries the term 'munia', like 'munera' in its later usage, connoted only obligations and not rights. The term 'municipes' would then be appropriate only to half-citizens. On Gellius' view it would apparently only be communities of half-citizens that enjoyed local autonomy at this stage. They alone would have formed the original *municipia*. It would then have to be supposed that the term was extended to the communities of full citizens, presumably by analogy, as they were assimilated to those of half-citizens by being given powers of local self-government. This complex theory appears implausible. Can it be confirmed or refuted from the earliest Latin document which classifies Roman and Latin townships?

The Lex Agraria of 111 B.C. refers to the usufruct of public land by colonies, *municipia*, and 'quae pro moinicipieis colonieisve sunt', whether composed of Roman citizens or Latins.[4] This should be an exhaustive classification of types of Roman and Latin community. We do not need to assume that both Romans and Latins were represented in each type. There is no obscurity about Roman or Latin colonies. The pro-colonies might be purely Roman communities which had grown up in districts of viritane assignations.[5] The Roman *municipia* could be taken to be communities of *cives sine suffragio*, if any such existed as late as 111, and the *pro-municipia* communities of full citizens, on the assumption that the latter had not originally been regarded as *municipia*. There are, however, cogent reasons in my view for believing that all the 'half-citizens' had been given the vote before 111.[6] The distinction suggested between *municipia* and *pro-municipia* will therefore stand only if the phraseology can be interpreted as

[1] Gell. xvi. 13. 6 f. For words omitted here see p. 531 below.

[2] Livy xxxviii. 36. 7. He also uses the term of the Lanuvines who in his view received full citizenship (viii. 14. 2).

[3] *Planc.* 19 calls Tusculum 'municipium antiquissimum'. [4] *FIRA* i². 8. 31.

[5] Such colonies as Telesia and Grumentum (pp. 279 f.) may have graduated from being 'pro-colonies' some time after the Gracchan settlement.

[6] Brunt, *JRS* lv, 1965, 93; Toynbee 403 ff. (but cf. Brunt, cited p. 49 n. 1, on the Sabines).

tralatician, going back to a time when both kinds of community still existed. Another possibility may be suggested. Suppose that the *municipia* are all the communes which had received the Roman citizenship (by now full citizenship) and retained local self-government (see below). What then are the *pro-municipia*? They may be Latin. The Latin name included cities (notably Tibur and Praeneste) which were not colonies but are not likely to have been excluded from the scope of the clause.[1] They might have been regarded as pro-Latin colonies, or taking account of the facts that they were not Roman colonial foundations and resembled Roman *municipia* in enjoying internal self-government, as pro-Latin *municipia*. (Properly, there were no Latin *municipia* before the Principate.[2]) Thus the classification need not mean that towns with the full franchise like Tusculum could only be counted as *pro-municipia*, nor that the term *municipium* had originally been reserved to a town whose people had only *civitas sine suffragio*. It may be noted that there is no mention of prefectures (see p. 531).

Festus says that the *municipes* always had their 'res publicae' separate from the Roman. In his day the term *res publica* was commonly used of purely municipal communes.[3] There is no reason to think that he means that the original *municipes* retained sovereignty and enjoyed a sort of isopolity with Rome. He can quite well be referring to the local self-government which municipalities possessed in the late Republic and in his own time and which, he supposed, the early *municipia*, towns incorporated in the Roman state, with or without the vote, also enjoyed.

However, another passage in Festus throws doubt on the extent to which *municipia* retained self-government.[4] He writes: 'praefecturae eae appellabantur in Italia, in quibus et ius dicebatur, et nundinae agebantur; et erat quaedam r(es) p(ublica), neque tamen magistratus suos habebant.' Here apparently we have a class of communities which lacked magistrates of their own and were subject to *praefecti*:—'in quas (?) legibus praefecti mittebantur quotannis qui ius dicerent'. Festus adds that there were two kinds of *praefecti*, (1) four elected *praefecti* sent out to Capua, Cumae, and other places in Campania (including Roman colonies), and (2) 'quos praetor urbanus quotannis in quaeque loca miserat legibus'. He gives only examples under the second category, and though his examples can be supplemented from other sources, we have no complete list.[5] However, it is clear that the prefectures included not only Roman colonies and districts of viritane settlement but also so many of the communities which had originally received half-citizenship that we can safely conclude that *all* such communities became prefectures (with the probable exception of places like Tusculum so close to Rome that there was no need for prefects to be sent out).

[1] Brunt, *JRS* lv, n. 119.
[2] Kornemann, *RE* xvi. 583 f.
[3] Examples in *ILS* Index iii. 671 f.
[4] 262 L.
[5] It can be supplemented from literary and epigraphic sources, but the list in, e.g., *RE* xxii. 1310 ff. (Sachers) also has no claim to completeness. The known *praefecturae* embraced (*a*) many towns which at one time had 'half-citizenship'; (*b*) some Roman colonies, e.g. Puteoli, Saturnia, Potentia; (*c*) areas where Roman citizens had settled, e.g. Forum Clodii, the *praefectura Statoniensis* in Etruria, and many places in Picenum (Caes. *BC* i. 15. 1). The prefectures in Cisalpina (cf. *FIRA* i². 19–20) must belong to the third, if not also the second, type. For prefectures in Lucania see p. 280. (Toynbee 239 n. 24 is wrong in asserting that no prefectures are attested in lands annexed by Rome after the Hannibalic war.)

Festus' assertion that a town like Cumae under *praefecti* had no magistrates and constituted only a kind of *res publica* stands in apparent contradiction with his statement that Cumae always had a 'res publica' distinct from Rome. Are the two texts to be reconciled by the theory that these *municipia* retained self-government only until they were promoted to full citizenship? Did Festus have in mind two consecutive stages in the history of a *municipium*?

The only *municipium* whose history is documented in any detail is Capua. Between the grant of *civitas sine suffragio* in 338 and her revolt in 216 Capua certainly retained her own magistrates, senate, assembly, and courts and probably levied *portoria*.[1] Livy indeed alleges that prefects were sent to Capua from 318,[2] but this is so incompatible with the other evidence for her continuing autonomy and the absence of reference to such prefects at the time of her revolt[3] that, unless it be assumed that they were sent in 318 and perhaps on some other occasions *extra ordinem* and not 'quotannis', or that if appointed each year, they only made Capua their headquarters for doing justice among Roman settlers in the Ager Falernus nearby,[4] it seems best to accept Velleius' dating to 211[5] (which has some support in a rival tradition in Livy) and to connect their appointment with the senate's decree in that year that there should be at Capua 'corpus nullum civitatis nec senatum nec magistratus'.[6] As Capua had no magistrates, the prefects must henceforth have been responsible for general administration as well as jurisdiction.

There is one other case in which the annalistic tradition perhaps attests that a community was deprived of local self-government on enfranchisement. After the Hernican revolt of 306, according to Livy, 'Hernicorum tribus populis, Aletrinati Verulano Ferentinati, quia maluerunt quam civitatem, suae leges redditae conubiumque inter ipsos, quod aliquamdiu soli Hernicorum habuerunt, permissum. Anagninis quique arma Romanis intulerunt civitas sine suffragii latione data: concilia conubiaque adempta et magistratibus praeter quam sacrorum curatione interdictum.' Dr. John Pinsent has suggested to me that the last sentence relates to Hernican federal institutions, not to those of Anagnia, but even if this be not so, the statement in the first sentence that *for some time* the three peoples which had taken no part in the war alone enjoyed *conubium* with each other seems to imply that it was later restored to the others, and it might be argued that the other restrictions imposed on Anagnia, etc., were likewise temporary. Later both Anagnia and Capitulum Hernicorum had praetors (at

[1] Heurgon, *Recherches* 231 ff. Magistrates include *meddices* and censors (Vetter, nos. 81 ff.). See Livy xxiii. 2–10; jurisdiction, 4. 3; *portoria*, inferred from xxxii. 7. 3.

[2] [ix. 20. 5 ('primum' means that they were first of a series), but cf. xxvi. 16. 10.]

[3] The only Roman officials at Capua in 216 were *praefecti iocium* (Livy xxiii. 7. 3), on whom cf. Toynbee i. 203.

[4] Rival theories of Sherwin-White 41 ff. and Bernardi, *Athen.* xxvi, 1938, 247 amount to recognizing that Livy is in error and explaining why. The rhetoric of Livy xxiii. 7 is sufficiently accounted for by Capua's subjection to Roman foreign policy, conscription, and taxation.

[5] ii. 44. 4.

[6] Livy xxvi. 16. 7 ff., cf. Cic. *leg. agr.* i. 19; ii. 88. (Harsh decrees reported by Livy were not fulfilled.) For the development of rudimentary self-government through *magistri* at Capua by the late second century see M. W. Frederiksen, *PBSR* xxvii, 1959, 80 ff.

Anagnia the title was ultimately changed to *duoviri*)[1] as chief magistrates, and for those who take the view that such anomalies in the titulature of municipal magistrates are best explained as survivals from the days of independence, this offers confirmation that Anagnia was allowed to reinstitute her own magistracies, when her guilt had been purged to the satisfaction of Rome, if they had ever been abolished. Once again, it is a commune of half-citizens that (perhaps) loses its autonomy, which it recovered later, perhaps when its people secured the suffrage. In any event there is nothing to show that all or most new *municipia* were treated like Anagnia in 306. That is indeed improbable. Livy represents Fundi as having a senate some years after its incorporation. As Sherwin-White says, 'the *res publica* of Fundi with its *populus* and senate continues to exist', though its freedom to take independent external action was now limited. This shows that the early autonomy of Capua was not unique.[2] Fundi too was, however, a commune of half-citizens.

Thus, if we can trust the annalistic evidence, at least two communities of half-citizens retained their old institutions for local self-government on partial enfranchisement, and Anagnia, if at first deprived of such autonomy, seems later to have regained it. This conclusion is of course perfectly compatible with the theory under consideration. We can still maintain that the old local self-government was abolished or modified when these communities advanced to full citizenship. Yet in the only certain case of such an abolition (Capua), it was a *penalty* for disloyalty. Now the Roman government presumably granted full citizenship initially, or after a transitional period of half-citizenship, only to communities of whose loyalty it was assured. The suffrage was a *reward*; why should it have been accompanied by a measure of a penal character? Communities of full citizens should *a fortiori* have enjoyed the privileges conceded to half-citizens.

This reflection may encourage us to attempt a quite different interpretation of what Festus said of the *praefecti*. They were sent out 'qui ius dicerent'. Jurisdiction is not the same as general administration, and we are not at all bound to believe that all the *praefecti* supplanted local magistrates, except in certain juridical functions. Naturally at Capua, which had no magistrates after 211, they had to do more, and the same is possibly or probably true of areas of viritane allotments in the Ager Romanus. Thus the duties of *praefecti* might be more or less extensive. However, Festus, knowing that they were administrative officials in *some* places, probably the first to which they were sent (*infra*), may easily have jumped to the false conclusion that this was true of *all* places where they were found, and that in every case no more than 'quaedam res publica' remained. That view fitted Capua well, since a sort of *res publica* did evolve at Capua between 211 and Caesar's colony (p. 529 n. 6), and it may also have fitted areas of viritane allotment, in which *fora* and *conciliabula* developed embryonic municipal institutions. But it need not have applied at all to those *municipia* and colonies which already possessed magistrates of their own. They could have preserved

[1] Livy ix. 43. 23 f. Presumably the Anagnians, like the Capuans (xxiii. 2. 6, 4. 7), had *conubium* with Romans, but not with other Hernicans. Magistrates: Beloch, *RG* 498; see *ILRR* 271.

[2] Livy viii. 19, cf. Sherwin-White 45 f.

their traditional administrative machinery, and their communal rights to own or enjoy property. Hence, viewed in this aspect, they are not called *praefecturae* in the Lex Agraria—for only jurisdiction (with the possible exception of petty cases) had been taken into the hands of prefects elected or appointed at Rome. It is true that an inscription seems to reveal (if Mommsen's supplement is sound) that at Fundi the local council and the whole *praefectura* sought the consent of the *praefectus* to the choice of a patron.[1] But we need not infer that his consent was legally requisite, and this is a frail basis for supposing that the local government in these communes was entirely under his control.

Jurisdiction might have seemed to necessitate Roman interference in local concerns, as the communes received the *ius civile*, with whose principles and procedures they could not at once be familiar and whose administration had to be placed in Roman hands. That in itself did not require Rome to send out *praefecti* to administer justice locally; the *municipes* could have come to Rome, and very probably the people of the nearest communes always did. It was a concession to the convenience of the *municipes*, for which we might find an analogy in the deme courts of Periclean Athens, that Rome consented to send out prefects to bring justice closer to the rural citizens. According to Festus, they were appointed 'legibus'; the plural may be noted; the *concession* was made first to one, then to another.[2] Livy refers to an annual prefect sent out to Capua; the number was multiplied, we may think, as the jurisdiction was extended to other places, notably Cumae (*infra*). We may also ask why the *praefecti Capuam Cumas* were elected and the rest appointed by the praetor. Analogy may supply the answer. By the time of the Hannibalic war the twenty-four military tribunes, who served in the first four legions, which alone were regularly enrolled every year, were elected, and other tribunes appointed by the consuls or army commanders.[3] Perhaps then the *praefecti Capuam Cumas* were the first prefects to be sent out *regularly*. Or perhaps it was thought that they alone needed to be elected just because their functions were wider than those of purely juridical officials. (It seems to be dubious whether Mommsen was right in inferring from lists of magistrates in the Gracchan period that they were not yet elected officials; we cannot be certain that the legislators concerned themselves with magistrates whose duties lay wholly outside Rome, and one of the lists on which Mommsen relies names only magistrates from the tribunes downwards; the *praefecti Capuam Cumas* may in this period, like military tribunes early in the second century, often or normally have been chosen from men of mature age and judgement.[4])

I have suggested that the need for this jurisdiction arose from the gradual reception of Roman law. Gellius reports a speech of Hadrian in which that emperor is said to have expressed astonishment that some ancient *municipia* should crave the status of colonies, 'cum suis moribus legibusque uti possent',

[1] *ILRR* 1068.

[2] Mommsen's assumption (*StR* iii. 582 n. 2) that the *leges* were the charters of the municipalities need not be right.

[3] For military tribunes Livy xxvii. 36. 14, cf. *StR* ii. 575 ff.

[4] *StR* ii. 608 ff., cf. i. 561 n. 2, citing *FIRA* i. 6. 15 (where the interrex and military tribunes at least are omitted): 7. 15 (in a the list rests largely on supplements). Toynbee suggests that prefects of the Capua type had once been sent to Anagnia; perhaps, but by the Gracchan period they would have been merely juridictional.

by remaining *municipia*. Gellius glosses this by defining *municipes* as 'cives Romani ex municipiis, legibus suis et suo iure utentes . . . nullis aliis necessitatibus neque ulla populi Romani lege adstricti, nisi in quam populus eorum fundus factus est'.[1] We know from a celebrated passage of Cicero that Latin cities (which were formally sovereign in their internal concerns) were bound only by Roman laws which they adopted ('fundi facti'), and indeed that it was by adopting the Lex Iulia of 90 that the allies acquired the Roman citizenship; that law made them eligible, but it was only by their own act that they converted their right into reality.[2] Gellius makes out that even in his own day *municipia* were in the same position. Some jurists would accept this as correct;[3] more probably Gellius misunderstood Hadrian, who was perhaps distinguishing between the status of *municipia* and that of colonies in a remote past. But it is the position of the *municipia* within this remote past that has to be considered here.

In the Principate Rome may have imposed her own laws on all new citizens; by that time the influence which Roman law had already exercised on local usages, through the edicts and court decisions of provincial governors, must have done something to lessen its unfamiliarity, and it had been refined and adapted to complex social and economic conditions in such a way as to make its diffusion convenient to the subjects; moreover, imperial pride may well have made the government take it for granted that all who could call themselves Romans should be under Roman law. To Italians of the fourth and third centuries the primitive Roman law, even though not basically dissimilar to their own,[4] was perhaps no less unfamiliar, and it was couched in a language often foreign to them, to whose peculiarities it was closely tied by its tendency to be extremely literal; nor did it yet have the advantage of being an ecumenical system. It is also not easy to see why at first Rome should have wished or how she could have contrived to enforce its strict observance on *municipes*. Only as time went on, the wide dispersal of old Romans in Italy must have generated litigation between them and other Italians, including new citizens; the Roman partners to such disputes would naturally have wished them to be decided by their own principles and procedures. The permanence of Roman domination, the slow but continuous process of Romanization, the development of the Roman law itself into a more pliant and equitable system, must all have contributed to the acceptance of Roman processes. The new citizens, in particular, would have felt less repugnance to the reception of Roman law if the Roman government (as suggested) made justice more accessible by sending out *praefecti*, instead of insisting that all cases must be tried at Rome.

Further support for this view can be found in the fact that it was not till 180 that Cumae adopted Latin officially.[5] It is hard to see how Roman law could have applied at Cumae until then. This must also be the *terminus post quem* for the extension to Cumae of the jurisdiction exercised by the *praefecti Capuam*. Certainly, this should not be dated as early as 211. These *praefecti* were then sent to Capua as part of the penal settlement ensuing on Capua's revolt; such a penalty

[1] xvi. 13. 4–6.
[2] *Balb.* 20 f.
[3] Cf. H. Jolowicz, *Hist. Introd. to Rom. Law*[2] 542 ff.
[4] L. Mitteis, *Röm. Privatrecht* i. 3–9.
[5] Livy xl. 42. 13.

would have been peculiarly ill-fitting to Cumae which had been conspicuous for her loyalty. It is significant that in later times Cumae still retained 'praetors' as chief magistrates; the title is probably a Latinization of 'meddices', and indicates that there was continuity between the institutions of independent and municipal Cumae, not interrupted by the judicial powers given to the *praefecti*.[1] Conceivably promotion to the full franchise may have been the decisive moment from which Rome expected their people to be bound by the *ius civile* in its full rigour. But we cannot be certain; in his *Origines*, written a generation after Arpinum had secured the vote, Cato happens to remark that there 'sacra heredem non sequuntur'.[2] Arpinum may have been allowed to retain only her sacral, not her secular, law; but we must not assume this. It need hardly be said that it would not be inconsistent with Cicero's doctrine (which should not be contested) that a Roman could not be a citizen of two cities, if Romans lived under different laws.[3] English and Scots are alike citizens of the United Kingdom, but their legal systems are not identical.

One can thus understand why Rome should have sent out *praefecti iuri dicundo* to *municipia*, though we need not suppose that *all* jurisdiction was removed to their courts; as in later days, municipal magistrates probably retained the right to decide certain types of case. But there seems to be no reason why the machinery for local self-administration, to which the *municipes* were presumably attached, should have been dismantled, especially at the moment when Rome was ready to reward their fidelity by raising them to full citizenship. After the Social war Rome remodelled the institutions of the newly enfranchised towns at least to the extent of creating uniformity in the titles of their magistrates; but local magistrates, chosen by their own peoples, there still were, who exercised important functions, including (on the better view) some jurisdiction. The older *municipia*, like Anagnia and Cumae, often retained for their chief magistrates anomalous titles, which point to continuity with a remote past.[4] These oddities have been explained away by various theories; the titles were old, but their holders were not true magistrates, having only sacral duties; or they could have been antiquarian revivals; or the titles were actually imposed by Rome (like the quattuorvirate

[1] Vell. i. 4. 2; F. Sartori, *Problemi di Storia costit. italiota*, 37 ff. (with different view).

[2] Fr. 61 P. For continuance of municipal *sacra* cf. Festus 146 L.; Livy viii. 14. 2.

[3] *Balb.* 28. (*Leg.* ii. 5, often misunderstood, e.g. by Toynbee i. 219 f., is not inconsistent with this; it does not enunciate any doctrine of dual citizenship, for the 'patria naturae' belongs to the region of sentiment, not law; and neither Arpinum nor any other *municipium* was a state.)

[4] *Dictators* at Aricia, Nomentum, Tusculum, Caere, Fabrateria vetus, Fidenae; *praetors* at Anagnia, Capena, Capitulum Hernicorum, Cumae, Laurentes, perhaps Velitrae; *three aediles* as chief magistracy at Arpinum, Formiae, and Fundi, perhaps Tusculum; *two aediles* as chief magistrates with others at Aricia, Caere, Lanuvium, Nomentum; *octoviri* in Sabine and contiguous communes. De Martino gives and discusses the evidence, except for *praetors*; on these see Beloch, *RG* 498 f. In Oscan towns, like Cumae, praetor no doubt disguises *meddix*. For *meddices* at Velitrae cf. Vetter no. 222 (probably from the time when Velitrae had *civitas sine suffragio*). The name 'dictator' at Caere and Fidenae is Latin, but may translate a native term. Similarly the use of the *names* 'aedile' and 'octovir' need not imply that the institution is Roman. It may well be that the communes in the region where *octoviri* are found were not 'city-states', when incorporated by Rome, but it goes without saying that the Sabines, etc., had some organization, and Rome need not have abolished or modified it, *contra* Toynbee i. 225.

after 90), adopting different systems in different places or different times. On this controversy I have nothing new to say; the simplest explanation, which alone covers all cases, is that neither the grant of the *civitas sine suffragio* nor the subsequent grant of the vote disturbed the local self-government of the communes affected, and that the eccentricities in their later municipal institutions betray the survival of the magistracies (sometimes under a Latinized form) which they had had while independent. To my mind it is also inherently plausible that the Romans adopted the rational policy of using the local machinery of administration wherever it could be trusted (not, therefore, at Capua after 211).

Some words may be added on Roman colonies which also appear in Festus' list of *praefecturae*. They were established for the purpose of securing key points on the coasts, and must from the first have had some local organization capable of discharging their strategic functions. Though this does not imply that the officers in charge were locally elected, we can hardly suppose that they would have been deputies of the urban praetor, sent out 'qui ius dicerent'. Moreover, if the first prefects regularly appointed were those sent to Capua in 211, it must be noted that at that time ten Roman colonies were already in existence, and must already have been administered by other officials. In fact we find that praetors were the chief magistrates in Castrum Novum (founded in the early third century), Potentia (founded 184), Auximum (founded 157), and some colonies of still later date, Telesia, Grumentum, Abellinum, and (outside Italy), Narbo; there were praetors with sacral duties at Ostia, and the abortive Marian colony at Capua was placed under praetors.[1] It would seem that many, if not all, Roman colonies had the same chief magistrates as Latin, whose autonomy is undoubted. Roman colonies could also make representations to the senate as communities in 207 and 191.[2] Of those named Potentia is attested as a prefecture, and Puteoli (which came within the jurisdiction of the *praefecti Capuam Cumas*) had its *duoviri* in 106, capable of letting out contracts on the advice of a *consilium* of *duovirales*.[3] We need not assume that this measure of self-government was not primitive, or that the *praefecti iuri dicundo* were ever charged with the general administration of all colonial affairs.

To sum up, communities of Roman citizens, if they were not near enough to Rome to apply to the praetor himself, received justice (except perhaps in petty cases) from *praefecti iuri dicundo*; these are the 'oppida fora conciliabula ubei ioure deicundo praeesse solent' of the Gracchan *repetundae* law.[4] The *oppida* included most Roman colonies and *municipia*, which could be regarded as *praefecturae* or assize-districts, when jurisdiction was under consideration. The appointment of *praefecti* in no way derogated from the administrative powers of local magistrates in any such *oppida*. Capua before her revolt furnishes a typical example of the local autonomy more loyal communities continued to enjoy. Only where there were no such local magistrates, as at Capua after 211, did the

[1] De Martino ii. 113 ff. cites the evidence. No clear inferences can be drawn from the obscure text of Livy ix. 20. 10 (cf. viii. 14. 8).

[2] Livy xxvi. 38. 3 ff.; xxvi. 3. 4 ff. See also Toynbee i. 233 on Livy xxxix. 44. 6 ff. and xli. 27. 10 ff. on censorial activities *extra ordinem* in the territories of colonies and *municipia*.

[3] *FIRA* iii, no. 153.

[4] Ibid. i. no. 7. 31; 'ubei ... solent' are restored. [But W. Simshäuser, *Iuridici und*

praefecti exercise administrative functions. These functions indeed necessarily devolved on them in regions of scattered settlement, so that even on the administrative plane the *fora* and *conciliabula* could be termed *praefecturae*, and the threefold classification of communities as colonies, *municipia*, and *praefecturae* was thus for administrative purposes exhaustive.

Munizipalgerichtsbarkeit in Italien, 1973, 99 holds that the implied subject of 'solent' is any judicial authorities, not necessarily *praefecti*.]

4. *LUSTRUM* AND CENSUS

i. G. PIERI has advanced the plausible, if conjectural, hypothesis that the original 'Servian' census was a review of an army, organized in centuries and consisting of men of the equipment and physique that qualified them to serve.[1] The census of the historical period was adapted from this primitive institution to suit political requirements at a time when the centuries had ceased to form the units of the army.[2] (As Pieri sees, it follows that *filii familiarum*, who must have been numerous among the soldiers, cannot originally have been 'incensi', and would not therefore have been excluded from the later census.) In Pieri's view the *lustratio* was originally a ceremony for the purification of the army, which was carried over into the historic census.[3] Similarly the *cura morum* was designed to remove impure elements from the army and so to guarantee its welfare; this was why it remained a function of the historic censors.[4]

It is obvious that in a small community the army review, in which on this hypothesis the earliest census consisted, could have been carried out on a single day. It seems to me that the theory therefore illuminates Varro's quotation from the *censoriae tabulae* (*LL* vi. 86). He says that they prescribed that the censor should take the auspices by night and then command the herald to call into his presence 'omnes Quirites pedites armatos privatosque curatores omnium tribuum, si quis pro se sive pro altero rationem dari volet'. The censors next cast lots to determine which was to perform the *lustrum*; the man so chosen conducted the assembly. As Pieri argues, the requirement that the *pedites* should be armed supports his theory that the census was originally an army review, but it also seems to indicate that Varro's extract dates from a time when this was still what the census was. Furthermore the assumption that all the *pedites* were to muster, except that the *curatores tribuum* could apparently answer for some absentees, suggests that the procedure belongs to a period when Rome was a small community, all of whose members lived at no great distance from the city. (The absentees would presumably be the sick, and perhaps men required to man the walls against sudden attack.) It is a natural interpretation of Varro that the *lustrum* is to follow the muster immediately. Although the language of the *tabulae* has obviously been modernized, the procedure and purpose of the ceremony are surely archaic. They had little relevance to a time when the enumeration of the citizens and other administrative duties occupied the censors not for a single day but for eighteen months. It is absurd to infer from Varro's antiquated lore that in the first century (or indeed in the third) all citizens had to appear at Rome to be registered. Long before Varro's time, we must suppose that when the traditional proclamation was read, no more than a few citizens attended on the censors, out of love of ceremony or friendly courtesy, for a meeting that had become a formality, consummating their work in office. In 1966 the Statutes of

[1] Pieri 60 ff., see my review, *Tijdschrift voor Rechtsgeschiedenis* xxxvii, 1969, 263–7.
[2] Idem 131 ff. [3] Idem. 77 ff. [4] Idem 99 ff.

Oxford University still required all resident doctors and regent masters to attend Congregation as soon as the solemn pealing of the summoning bell stopped; anyone who argued from these *tabulae* that more than one per cent of the members were commonly in their places would be sadly wrong.

ii. The *lustrum* which completed and sanctified the census took place at the end of the censors' term of eighteen months.[1] Presumably the very reason why their term was longer than a year was the extent of their administrative tasks, which could not be performed in a shorter time. None can have been more arduous than the registration of citizens. This work can hardly have been finished before they had entered their final six months of office. The *Fasti Capitolini* are thus inaccurate (like *MRR*) in recording *lustra* under the years in which the censors took office.[2] Livy too, while noting that the censors of 204/3 completed the *lustrum* unusually late, misdates the census they took to 204; he has chosen to group all their activities in their first year.[3] In general, he was chronologically more exact on the date of censuses, recording them in the second year in which censors held office in 208, 193, 188, 178, 173.[4] He tells how the censors of 169/8 were already registering soldiers on leave from Macedon soon after entering on their magistracy, but he recorded their final enumeration only in a later book under 168.[5] The disposition of material in the *Periochae* makes it clear that he similarly dated censuses to 153, 141, 130, and 114;[6] there is no clear instance in this period of a contrary practice. In his 97th book he dealt with the Lex Aurelia passed in autumn 70; the census of 70/69 was reserved for the 98th, which presumably began with the new year, 69; it is no objection that (as in 169) the censors were already engaged in registration in summer 70.[7] The censors appointed in 61 were about to complete their work in 60, and names could still be entered.[8] Augustus and Agrippa assumed censorial powers in 29, but their *lustrum* was in 28.[9] Similarly Tiberius received censorial powers soon after triumphing [23 October, A.D. 12], but it was not till May 14 that the registration was finished.'[10] I have, therefore, dated each census to the second year in which censors held office.

[1] *StR* ii. 1. 352. [2] Ibid. 353. [3] xxix. 37.

[4] xxvii. 36; xxxv. 9; xxxviii. 36; *Per.* xli for the enumeration in 178, omitted in the extant account of censorial work in 179 (xl. 45 f.)—the book reference proves the date; xlii. 10.

[5] xlv. 15 (168), *cf.* xliii. 14 f. (169), see p. 37.

[6] *Per.* xlviii, liv, lix, lxiii.

[7] See p. 36. Phlegon (Jacoby no. 257) 12. 6 misdates to 70.

[8] Dio xxxvii. 46. 4; Cic. *Att.* i. 18. 8; ii. 1. 11.

[9] Dio lii. 42. 1; liii. 1. 3; *RG* 8; *Fasti Venusini*. Augustus reckons inclusively in making his *lustrum* the first for 42 years (Mommsen on *RG* 8).

[10] Suet. *Aug.* 97; *Tib.* 21; *RG* 8. The registration in 8 B.C. must have begun in 9.

5. ENFRANCHISEMENTS IN EARLY ROMAN AND LATIN COLONIES[1]

ROMAN and Latin colonies were essentially 'propugnacula imperii', founded on sites chosen for their strategic advantages. The colonists were peasants who needed cultivable land, preferably land already cultivated and the best in the region. The foundation of colonies thus involved some measure of expropriation of the former inhabitants. The towns themselves were normally on sites that had been occupied before, and allotments were made in their territories, so that the natives were deprived of both urban and agricultural property. However, Appian says that it was the Roman practice to take only part of the land of defeated peoples in Italy, and the annalists tell that this part might be a third, a half or two-thirds.[2] The entire ejection of Gauls from the Ager Gallicus must be regarded as exceptional. What happened to the old inhabitants who retained their land?

One possibility is that the town and territory of the new colony were cleared of the native population, and that they continued to live, forming a separate commune, in that part of their land which Rome had not annexed, but wholly excluded from the colony.

Alternatively, some at least could have remained within the boundaries of the colony, either as mere subjects or with some share in civic rights and duties. Those who think that double communities existed later under Roman rule, i.e. juridically separate communes coexisting within the same territory and even within the same city walls, may speculate that they were to be found even in the earliest times, but there is to my mind no convincing evidence for such communities in any period.[3]

Cicero eloquently expressed the notion that Rome owed her greatness to persistent liberality with the citizenship, ignoring the period of nearly two centuries before 90 when it was not extended to other peoples, and both he and Livy in their accounts of the regal period gave various illustrations of this liberality in the admission of Sabines and Latins to the citizenship. Dionysius expatiated

[1] Much of Chapter XIX, section ii is relevant, as the mode of founding colonies in the first century was surely traditional.

[2] *BC* i. 7. 26, cf. Gabba, ad loc.

[3] See pp. 254 n. 2; 306 f. The most plausible instance of a double community in Italy is post-Gracchan Tarentum. Latin inscriptions and other finds strongly suggest that the Gracchan settlers in 'Neptunia' shared the town-site. But conceivably, as in the case of Junonia, the settlers were allowed to retain their holdings, but the law establishing the colony as a juridical entity was rescinded, cf. perhaps Pliny, *NH* iii. 99: 'maritima colonia quae ibi fuerat'. The lex Tarentina need not be interpreted as the fusion of the Gracchan colony and the old Greek *polis* in a single *municipium* (cf. M. W. Frederiksen, *JRS* lv, 1965, 183 ff., esp. 191). Cic. *Arch.* 5 excludes the possibility that the Greek *polis* had been absorbed in Neptunia; 10 counts Tarentum as a *municipium*. Mr. Frederiksen also points out to me that Toynbee's theory of a double community at Thurii (ii. 662) is refuted by coins (*BM Catal. Italy*, 302 f.) showing that Copia replaced the Greek *polis*.

even more on the same theme. He tells that when colonies were founded, the old inhabitants became citizens, and though they were sometimes removed to Roman territory, on other occasions they remained in their old homes and shared the political rights of the new settlers; I have not noticed any precise parallel to these stories in Cicero or Livy.[1] It is wholly improbable that there was any genuine tradition of these remote events in the first century B.C. Probably after 90 Romans became more apt to ascribe enfranchisements of defeated enemies to their earliest ancestors, and the particular turn which Dionysius gives to this conception may spring from the colonial policy of Caesar and Augustus (Chapter XV, section iv), which was now retrojected into the past. Livy too does indeed relate that men from Veii, Capena, and Falerii who had gone over to the Roman side in time were enfranchised after the sack of Rome by the Gauls and assigned allotments, or perhaps rather confirmed in their former holdings; in his view, the four new tribes formed in the territory of Veii were designed to accommodate these new citizens; however, lands were certainly distributed here to Romans, and it was probably for them that the new tribes were created.[2] Again, Livy precedes his account of the foundation of Latin Nepet (*c.* 383) with a story that on its capture a few pro-Etruscan leaders were executed, while 'the guiltless multitude' received back their possessions; it might reasonably be supposed that they were not expelled when the colonists were sent out but shared rights in the new foundation.[3] However, once again it is hard to put much credence in these annalistic reports, and in general, few details are recorded about the foundation of colonies.

We may, therefore, resort to an assessment of intrinsic probabilities. During the conquest of Italy Rome established colonies to hold down hostile peoples or to control vital lines of communication. For these purposes it was essential that the loyalty of the colonists should be above suspicion. The Umbrian town of Nequinum was taken by treachery after a long siege and a Latin colony sent there under the name of Narnia. It is not recorded that the people of Nequinum were all expelled, but it seems hardly credible that after prolonged resistance they should have been admitted within the walls of a fortress designed to control their country or given a share in the government of the new city.[4] The change of name is itself significant. At most the pro-Roman traitors may have been incorporated in the colony. According to Livy at Luceria the Lucerini and Samnites were annihilated, and the anger of the Romans against a city which had twice held out against them was such that some would have preferred to raze it to the ground rather than resettle it. One may doubt the story that the whole native population had been massacred and surmise that it was just because there were survivors that the proposal of total destruction found support; but it would have been wildly imprudent to let this hostile population mingle with the colonists dispatched to secure a site of vital strategic importance.[5] The hostility of defeated peoples could only have been exacerbated by the confiscation of part of their land for the benefit of Roman and Latin colonists; we have an example of this in Livy's

[1] Cic. *Balb.* 31; *Rep.* ii. 13, 33; Livy i. 13, 28 ff. (Albans transplanted); 33; Dion. Hal. i. 9; ii. 17, 46 *f.*; iii. 10 *f.*; iv. 22 *f.* for views on the Roman citizenship; *li.* 16. 1, 35, 50, 53–4(?); lii. 49. 6; viii. 14 for colonies; for transplantations see also iii. 29–31 (Albans), 37. 4, 38.

[2] vi. 4. 4, 5. 8, but *cf.* v. 30. 8; Diod. xiv. 102. 4; Taylor, *VD* 47 ff.

[3] vi. 10. 5, 21. 4. [4] ix. 10. 1–5. [5] ix. 26. 1–5.

story that the animosity of the Aequi against Rome was inflamed by the foundation of Alba Fucens and Carsioli.[1] No doubt these annalistic reports are as suspect as those mentioned in the last paragraph, but at least they correspond to natural expectations. The mutual hatred which characterized the relations of Sullan colonists and the Italians whose lands they had taken over might well have been exceeded in earlier times, when the colonists were men of an alien race and language.

Ariminum may be a special case. Strabo describes it as an Umbrian settlement reinforced by Roman colonists.[2] In his day Ariminum was a triumviral colony, and perhaps he had it in mind that the place had once been Umbrian and was now Roman and a colony, forgetting the intervening period of the Latin colony. On the other hand, since in all probability most 'Latin' colonists were emigrants from Rome, it would have been not unreasonable for him to have described them as Roman. It may be then that the Latin colonists, who were doubtless allotted lands that had been confiscated from the Gauls, coalesced here with an Umbrian settlement, and that the Umbrian population obtained local rights, and were not disturbed in their own property. Ariminum was of course designed to hold the north-eastern frontier of Italy against the Gauls; that was as much in the interest of Umbrians as of Romans, and their loyalty could be relied on. If Ariminum is an exception, it is of the kind that proves the rule—that for reasons of security natives were not generally admitted to local citizenship or to residence within the walls of the early colonies. Naturally some individuals who had rendered services to Rome may have received favoured treatment, just as some foreigners, like the Otacilii of Samnite Maleventum (later Latin Beneventum), even obtained the Roman citizenship and magistracies at Rome.[3]

We may also concede that the Roman maritime colonies, designed to protect the Italian coast against external attack, may have been less exclusive in their attitude towards the pre-existing inhabitants. At Puteoli the cults are Greek,[4] presumably transmitted through the Campanians to the Roman colony, and Campanian names are found among office-holders in the Roman colony.[5] It must be deduced that not all the Campanians were expelled from that part of Capuan territory in which the Roman colony was founded, or that some returned later. But the status of the Campanians was peculiar; previously *cives sine suffragio*, now stateless *deditícii*, they were soon to resume their half-citizenship and at some uncertain date to rise to the full franchise. If we may believe Livy, when the maritime colony of Antium was founded in 338, the existing Volscian population were allowed, if they wished, to enrol as colonists and received the Roman

[1] x. 1. 7, 3. 2 (Marsi substituted for Aequi).

[2] v. 1. 11. In v. 1. 10 (cf. p. 170) he holds that Roman settlers in the Po valley were intermingled with Etruscans and Umbrians. In the second century Italian allies in general were sometimes eligible for Latin colonies (p. 84 n. 4). Further, although any kind of unorganized emigration from peninsular Italy to the north is improbable (Chapter XII), some movement from central Italy could well have occurred. Perhaps too the Gallic conquest had not resulted in the total expulsion of Etruscans or Umbrians.

[3] F. Münzer, *Röm. Adelsparteien u. Adelsfamilien* 71. Compare Romans of Etruscan names: Perperna, Maecenas.

[4] R. M. Peterson, *Cults of Campania* 99 ff.

[5] e.g. Blossius, *FIRA* iii, no. 153 (105 B.C.).

citizenship. On Livy's own evidence it would appear that not all availed themselves of this permission; alternatively, it might be surmised that not all were granted the right to enrol. Livy reports that in 317 the Antiates complained that 'se sine legibus certis, sine magistratibus agere' and the senate authorized the patrons of the colony, i.e. presumably the founders or their descendants, to determine the 'iura' of the Antiates.[1] It goes without saying that the complaint cannot have come from the colonists, who can never have lacked magistrates, if by that term we mean officials charged with local defence and administration, and who as Roman citizens were amenable to Roman law, whether decided in the courts of Rome or in local courts; natives who had been enrolled as colonists would have been in just the same position as settlers from Rome. So the Antiates who made the complaint must have been Volscians who did not yet enjoy rights in the colony and were mere subjects, probably not even *cives sine suffragio*. Livy comments on the senate's decision, which in his view followed on the first appointment of *praefecti* to administer justice at Capua, 'nec arma modo sed iura etiam Romana late pollebant'; evidently, he thought that the unenfranchised Volscians at Antium now adopted Roman law.[2] That may be so, but unfortunately Livy does not record the action taken by the patrons of the colony, and various conjectures have been made. Toynbee, for instance, holds that they constituted a self-governing *municipium* of citizens without the vote, which coexisted with the colony.[3] That would be the first example of the putative class of double communities. But Livy's words do not require this interpretation; we may think that what the patrons did was either to enrol the remaining Volscians as *coloni* with full rights or simply to give them the half-citizenship and to subject them explicitly to the local administration of the colony; in either case they could have come under Roman law.

Antium and Puteoli in any event both illustrate the possibility that a colony might have subjects destitute for a time of local rights or at least of full local rights; where the colony was Roman, that would mean that some of the inhabitants were not Roman citizens. There is no difficulty in principle in entertaining this hypothesis. At Rome itself, in the earliest period of the Republic, plebeians were denied full civic rights. At a later stage there was a large class of citizens who lacked the vote. The system introduced into Transpadane Gaul by the Lex Pompeia of 89, whereby Alpine tribes were attributed, i.e. subjected, to the new 'Latin colonies', may well have had precedents in the south. All over Italy the free inhabitants of cities may have belonged at one time to grades with varying degrees of political participation in their communities. There is indeed no trace of any class of free subjects in Italian towns, outside Cisalpina, after the Social war. If such subjects had ever existed, they must in course of time have received full enfranchisement, just as the *cives sine suffragio* were advanced to full citizenship at Rome itself. Probably, like the plebeians in the early Republic and the *cives sine suffragio* later, any such subjects had always been available for military service; in the constant wars no city could afford to make less than full

[1] viii. 14. 8 (on vii. 27; viii. 1. 4–6, see Beloch, *RG* 360). Dion. Hal. ix. 59–62, who retrojects the foundation to the fifth century, says that the old inhabitants had to rent their lands from the colonists.

[2] ix. 20. 10. For prefects at Capua see p. 529.

[3] ii. 405 ff.

use of its manpower (apart from slaves and freedmen). We do not then need to suppose that the returns of the allied cities made in 225 exclude free subjects in their territories. In the case of the Latin colonies, it would be odd if Samnites or Apulians still resident within their confines were excluded from military service, simply because they did not possess Latin rights, at the same time as neighbouring Samnite and Apulian communities were required to send contingents to Rome's armies.

This consideration suggests that the number of such subjects in Latin colonies was in fact very small, for the total number of Latins available in 225 seems to be closely related to the probable number of settlers sent out when they were founded. We thus have another argument for believing that on the whole the natives were excluded from these 'propugnacula imperii'. The old tradition reported by Horace that the 'Sabellians' were expelled when Venusia was founded was probably correct; only men of Roman or Latin origin could be trusted to hold the place against 'Lucanians and Apulians'.[1]

None the less, by Horace's own time it could be questioned whether Venusia was Lucanian or Apulian. Venusia, in fact, went over to the insurgents in 90, though no other Latin colony did so.[2] We also find non-Latin forms in early inscriptions or coins from Latin Luceria, Spoletium, and Beneventum and from Roman Pisaurum.[3] The Latin colonies named were all relatively isolated. In the main the cultural function of Roman and Latin settlement in Italy was to Romanize the surrounding peoples, but we must allow for a countervailing tendency. Once Roman control of Italy was assured and peace firmly established in the peninsula, the formerly hostile peoples tended to mingle. We happen to hear of Samnites and Paelignians migrating to Latin Fregellae (p. 546 n. 2), but it is unlikely that there were no other cases of the same kind. The old rules under which *conubium* and *commercium* subsisted only between particular cities under specific treaty-provisions must have broken down when they had become merely artificial barriers between peoples who were now permanently at peace with each other. Pacuvius from Latin Brundisium was son of Ennius' sister from Messapian Rudiae. Diodorus thought that the combatants in the Social war were often related to each other by marriage; he was surely right. Whether or not any of the Latin colonies had at one time had non-Latin subjects, it is probable that in the second century the more prosperous acquired non-Latin *incolae*, whom they would have been ready enough to enrol in their contingents, thus relieving the local citizens of part of the burden of conscription, and on whom political rights were probably ultimately conferred. This was a process which Rome may not have had the consistent desire and certainly lacked the administrative machinery

[1] *Sat.* ii. 1. 34–9:

> Sequor hunc, Lucanus an Apulus anceps:
> nam Venusinus arat finem sub utrumque colonus,
> missus ad hoc, pulsis, vetus est ut fama, Sabellis,
> quo ne per vacuum Romano incurreret hostis,
> sive quod Apula gens seu quod Lucania bellum
> incuteret violenta.

[2] App. *BC* i. 41 f., also on betrayal of Roman Venafrum.

[3] Evidence for this and what follows in Brunt, *JRS* lv, 1965, 98 ff.

to check. If the census-lists of Roman citizens were drawn up, as argued in Chapter III, with the help of local registrations by the magistrates of colonies and *municipia*, Italians probably obtained Roman rights too in the same way; hence perhaps the Lex Licinia Mucia of 95 (cf. pp. 170 f.).

This reconstruction of the development that probably occurred is relevant to the theory that there was from the first a considerable non-Roman element in the Roman colony of Minturnae founded in 295. Livy says that Minturnae was one of three Ausonian towns destroyed in 314,[1] but the excavators held that the Via Appia, begun in 312, led straight to the gates of the Ausonian town and that the colonists did not pull down the old wall, though it barred urban extension, but adapted it in part to their new fortifications; they argued that they lived side by side with the remaining Ausonians, at first separated by a partition wall.[2] Let this be so: it does not prove that the Ausonians were at first admitted to local and Roman rights, any more than all the Volscians had been at Antium. No doubt, however, the Ausonians were enfranchised in course of time. J. Johnson inferred from analysis of the 121 *gentilicia* of the slave-owners or patrons of freedmen recorded in 29 late Republican inscriptions that only 59·3 per cent were Roman and that the bearers of Oscan names (38·4 per cent) were probably of Ausonian descent.[3] This argument from names is perilous. The old Romans themselves were a mixed lot. Johnson classes Pomponius as Roman, and it is borne by Roman magistrates before 295, but it is not Latin; how can we be sure that other names which are not Latin were not also borne by Romans before 295, though not by aristocrats represented in the *Fasti*? Moreover, Minturnae was a port with a certain commercial development, which could well have attracted migrants from other parts of Italy in the second and first centuries. It would not disturb me if the ratio between Romans and non-Romans at Minturnae were that which Johnson suggests, but his arguments do not warrant the conclusion.

To sum up, it seems improbable that on the foundation of early Latin and Roman colonies many of the former inhabitants were admitted to share equally in the local rights, or even to remain in the territory. Samnites, Apulians, etc., were mulcted of land, and this normally meant that they were expelled from the colony's territory. Samnite and Apulian communes remained, of course, adjacent to the colony, and the dispossessed doubtless retained or secured rights in those communes. (Things were different in Cisalpine Gaul, where the Boii, for instance, disappeared as a separate people, and lived as subjects in, e.g., the territory of Bononia; I envisage that they were ultimately enfranchised.[4]) In so far as any natives remained within colonial territory, as at Antium, they acquired local rights in course of time. From the end of the Hannibalic war the more prosperous colonies attracted immigrants from other parts of Italy, and these immigrants too must eventually have been admitted to the local rolls of citizens and thereby, if the colonies were Roman, perhaps to Roman citizenship. (This development is

[1] ix. 25, cf. x. 21. 7 ff.; Vell. i. 14.

[2] J. Johnson, *Excavations at Minturnae* i, 1935, *passim*. For the inscriptions see also *ILRR* 724–46. See Addenda.

[3] Johnson 125 ff. Note too at Puteoli in 105 (p. 540 n. 5) the Central Italian name Fufidius.

[4] p. 192.

actually attested in the north, at Cremona and Placentia.[1]) Hence in 225 the number of Latin soldiers reflects the number of colonists originally sent out to Latin cities, but we may think that there was a rather greater increase in the number of Latins between 225 and 90 than among other allies. In Chapter VII I make an allowance for this factor. Dionysius' view that in founding colonies early Rome was liberal with the citizenship to the old inhabitants may be regarded as anachronistic; for the practice in his day see Chapter XV, section iv. Most Caesarian and Augustan colonies were not 'propugnacula imperii': where they were, it is again unlikely that natives were normally incorporated.[2]

[1] p. 170.

[2] I am particularly in the debt of Mr. Frederiksen for this Appendix, though he will probably continue to disagree with some of the conclusions.

6. *FORMULA TOGATORUM*

ACCORDING to Dionysius the *foedus Cassianum* of 493 required the Romans and Latins to assist each other in war with all their forces.[1] In Cicero's day a bronze tablet which purported to contain the terms of this treaty was still on public show,[2] and it is perhaps easier to discredit its date than its authenticity. Even if the terms are invented, the invention was probably based on historic pacts of a later time. The provision cited, to which there are many parallels in Greek treaties, was well adapted to the conditions of early Rome, when it must have been practicable and often necessary for every man of military age to turn out for a campaign close to the city, on which its very preservation might depend, and when it was a reasonable demand to make of an allied community that it should put all its forces into the field. As Roman territory and population grew, such tumultuary levies must have become less and less frequent, and as her allies multiplied, there was no need to impose on them the kind of obligation which had been written into the *foedus Cassianum*. But at Rome tradition was always strong, and it is unlikely that the terms of later treaties with Italian peoples did not conform to the same pattern; only it became unnecessary for Rome to exact from her allies the full military contingents that were due under the treaties. The bilateral pacts out of which the Roman confederacy in Italy was built up probably still required each ally to aid Rome in war with all its forces, and if an annalist did invent the provision cited from the *foedus Cassianum*, he drew his invention from the terms of such later pacts and not from the actual practice of later times, which was quite different.

The Lex Agraria of 111 refers to 'socii nominisve Latini quibus ex formula togatorum milites in terra Italia inperare *solent*'.[3] In 209, after the refusal of 12 Latin colonies to furnish contingents, the Romans inquired of the rest, 'ecquid milites ex formula paratos haberent' and their representatives replied, 'milites ex formula paratos esse et, si pluribus opus esset, pluris daturos'.[4] It is at least clear from this that in practice the military obligations of the Latins were now governed by a formula which required them to provide less than a total levy of all *iuniores*. It does not follow from this that the strict obligation of treaty-allies had been changed; each ally could still have been bound on demand to put out its whole levy (and the Latin colonies could have been placed under the same obligation under their foundation charters), but it was not the *custom* of Rome to make such a demand. The *formula togatorum* was a Roman administrative device.

Before the Hannibalic war the Romans regularly mobilized 4 legions each year, i.e. some 18,000 citizens out of over 250,000. According to Polybius the allies contributed an equal number of soldiers. In later times at least the ratio could be

[1] vi. 95. [2] *Balb.* 53.

[3] *FIRA* i, no. 8. 29, 50. Note 'solent'; not 'debent'.

[4] Livy xxvii. 10. 3; this shows that the formula was more than just a list of communities (as in such terms as 'formula sociorum' and 'formula provinciae') but prescribed numbers of men each community was to send.

raised to 2:1 (Appendix 26). Even so, not more than 36,000 allies were required. As Rome did not need more than a small proportion of the allied troops who could have been raised by complete mobilization, it was natural that some method should have been evolved of distributing the burden of military service equitably among them. There is no trace of any multilateral treaty binding together all the Latins and allies under Roman hegemony, and the strict obligations of the Italians must have continued to be determined by the treaties under which they had first come into alliance with Rome or by the charters of Latin colonies; it was, therefore, only Rome as *hegemon* that could devise the new formula, whose origin must lie in a time when the confederacy had already become very large.

The nature of the formula is obscure. Beloch at one time argued that it fixed a maximum number of troops for each city which Rome could demand.[1] He held that as Rome respected their internal autonomy, she could not prescribe the form of local censuses, and could not know exactly what their true military strength was; it was most convenient to prescribe a maximum once for all, in order to avoid constant friction. He found confirmation of this view in the complaint made in 177 by the Samnites and Paeligni that 4,000 of their people had migrated to Latin Fregellae and that Rome none the less made the same demands on them for troops as before; they asked that the emigrants should be compelled to return, and the senate complied.[2] But it does not seem evident that they could not have asked for a review of their obligations under the formula or that Rome could not have lowered their quotas and raised that of Fregellae. The Samnites and Paeligni did not ask for this: they had too much local pride to wish to see their communes decline further.

If the formula fixed a maximum, it must have been far above the normal requirement of the time before the Hannibalic war when it had (on this view) been determined. It is clear that from 217 the allies had to contribute many more than 36,000 troops to Rome's armies. But if Rome had a right under bilateral treaties to call out all the *iuniores* in the allied communities, and if in normal practice, at least before the Hannibalic war, she needed to call out far fewer, it would have been pointless to impose a maximum liability which was above normal requirements and yet would have unnecessarily limited her entitlement to military aid in circumstances that could not be foreseen. The formula should be some kind of sliding scale. It would have been a practical and simple arrangement if each ally had been required to furnish so many men for each legion Rome put into the field. Their liability would then have varied from year to year, and in fact Polybius tells that at the annual *dilectus* the consuls notified the allied magistrates how many men each city was to provide.[3]

[1] *IB* 201 ff. Beloch changed his mind later (*Bev.* 353 ff.). Toynbee i. 424 ff. argues for Beloch's earlier view. Though it is sometimes convenient to speak of the Roman confederacy, it is important always to remember that there were no federal institutions, no multilateral treaty; each ally was bound to Rome alone by treaty or (in the case of Latin colonies) the charter of foundation, and it is inconceivable that these instruments fixed the obligations of the individual *socii* by reference to confederate obligations; many had been concluded before the so-called confederacy had reached its full extent.

[2] Livy xli. 8. Some Latins made similar complaints (p. 72 *n.* 1).

[3] v. 21. 4. In fact the allies must surely have been notified how many men they were to send at the time when the senate decided how many legions were to be employed, not as

There is a difficulty in this theory. It would seem that if it were true the ratio of allies to Romans in the armies should have remained constant; but in fact it varied (Appendix 26). We also know that in 204 the twelve Latin colonies which had refused to send contingents since 209 were ordered to provide twice as many foot as they had done in any year since 218, despite their contention: 'vix si simplum ex formula imperetur enisuros'.[1] One may suspect that the former rebels too had to pay for their protracted failure to supply Rome with troops by a heavier military burden from *c.* 200, and that this may explain why the ratio of allies to Romans rose for the next two decades. There is indeed no like explanation for the renewed increase in the ratio which may be traceable in the second part of the second century.

A solution to this difficulty is not far to seek. The obligation of the allies was to put every able-bodied man into the field at Rome's request. It was merely an administrative device of the Roman government for its own convenience to limit requirements by a schedule which apportioned the relative burden with rough fairness among the allies; the allies had no right to complain of a breach of treaty rights, if in one year Rome demanded more or less from them all, or from any one of them. They could only plead, like the twelve colonies in 204 or the Samnites and Paeligni in 177, that the demands made imposed an excessive strain on their manpower.

If Rome was free to depart from the formula, she was also free to vary it. There is no evidence or probability for the view that she bound herself, perhaps at some date in the third century, never to exact more than a certain number of men from each ally. All that the senate had done was to fix for the time being the number of men per legion the consuls should regularly demand from the allied magistrates. No doubt that number was determined by a rough assessment of the manpower of each ally at the relevant time. Although the practice of taking a census was widespread and perhaps ubiquitous in Italy (p. 40), we do not need to think that for the purpose the Roman government at first so far entrenched on the autonomy of their allies as to require returns of *iuniores* to be made. That is a possibility which need not be excluded, but it was not an indispensable preliminary step to devising the formula. The Italian peoples had long been fighting either with or against Rome, and it was inevitably known at Rome approximately how many men each could place under arms. Given the poverty of Rome's administrative machinery, we should not expect the Roman government to have been prone to revise the formula at frequent intervals. But that is not to say that they were never prepared to revise it. I do not understand why Rome required returns of manpower from the allies in 225, unless such a revision was intended. The Gallic menace might have demanded a tumultuary levy of every available man (though in fact this was not ordered and did not prove necessary): it did not necessitate a kind of census of the numbers available. It is probable that the Roman government took advantage of the universal apprehension the Gauls inspired to

late as the actual enrolment of the legionaries. For other anachronisms in this part of Polybius' work see Appendix 19.

[1] Livy xxix. 15, esp. 6 and 12. The use of 'simplex' suggests a distinction like that between 'tributum simplex' and 'duplum' (xxiii. 31. 1), but 6 shows that this is not apposite.

ascertain the exact military strength of its 'confederacy' for future needs, probably with the contingency of a Punic war in prospect.[1] It would have been absurd, once the returns had been made, that the formula should not have been amended, if it had been found to be out of date. In 193 the Romans called up allied contingents 'pro numero cuiusque iuniorum'.[2] Toynbee takes this to be an improper departure from the formula. If that be so, the formula itself was inequitable. But it is at least apparent that the Roman government had, or believed itself to have, accurate information on allied manpower. I would conjecture that it had obtained new returns from the allies, as in 225—in view of the population changes that the Hannibalic war had brought about, that would have been a reasonable course—and that Livy's phrase merely indicates the basis on which the formula itself was constructed. It is no objection that in 177 the senate did not decide to revise the formula again. It had not been requested to do so, and it would not have thought it expedient to embark on such a revision in response to complaints made by one or two of the allies, nor except at its own convenience.[3]

[1] Polybius suggests that to demand such returns was unusual or unprecedented.

[2] Livy xxxiv. 65. 6.

[3] I may add a few words on Toynbee's notion that allies under *foedera aequa*, like the *foedus Cassianum*, would not have been entered in the *formula togatorum* at all (i. 263 *ff.*). It is perfectly true that nominally the parties to such treaties were equally sovereign and, therefore, free to determine for themselves whether the *casus foederis* had arisen. In practice Rome's partners in such treaties, once she had acquired her supremacy, had to do her bidding. The distinction Toynbee draws between such allies and those who came under the *formula togatorum* derives from his notion that the formula imposed obligations on Rome and juridically circumscribed the demands she was entitled to make. In my view this is an error unsupported by any text, and allies under *foedera aequa* could be 'accustomed' ('solent') to send troops under the formula, just as much as any others. The allusion in Livy xxviii. 45. 20 to the Camertes of which Toynbee makes much (ii. 265) is obscure and unreliable; it is enough to remark that not all the peoples who are said to have 'voluntarily' contributed men or supplies were 'equal' allies, and some were *municipes*; on the unreliability of this chapter see p. 656 *n.* 1.

7. *VICESIMA LIBERTATIS* AND *AERARIUM SANCTIUS*

A 5 per cent tax on the value of slaves manumitted is said to have been first imposed in 357. The proceeds were kept in the *aerarium sanctius* and accumulated against an emergency; they were used in 209 and then, we are told, amounted to 4,000 lb. of gold. Beloch equates this with 16 million HSS, and taking what he regards as a high average value for slaves of 2,000 HSS, observes that this gives a total of 160,000 slaves freed since 357! The true figure would be 8,000! Frank's calculations contain a similar error. The average value for freed slaves is fixed by Frank on the basis of ransom prices at about 400 *denarii* or 1,600 HS. But the material is too scanty to enable us to work out averages from 357. Nor do we know that the proceeds of the tax had been put into reserve from the first. No estimate of the number of manumissions since 357 can be based on these data.[1]

In 49 B.C. Caesar seized on certain moneys in a treasury at Rome. According to Plutarch these were reserve funds,[2] and Appian says that according to tradition they had been deposited long ago at the time of the Gallic wars.[3] (He thus overlooks the use made of the reserve funds in 209, but his source may simply have said that a reserve had first been established during the Gallic wars.) Florus states that Caesar raided the 'sanctum aerarium'.[4] According to Cicero, the consuls had been authorized to remove money from the 'sanctius aerarium',[5] and Caesar himself tells of the consul Lentulus opening this treasury, apparently without taking the money.[6] In other texts the treasury is simply named 'aerarium',[7] but they can readily be interpreted, in the light of the other evidence, to refer to the 'aerarium sanctius', i.e. to a reserve fund. If Lucan says that Caesar broke open 'Saturnia templa'[8] and Pliny equates the treasury concerned with that of the Roman people,[9] that need mean only that this reserve fund, like other public moneys, was kept in the temple of Saturn.

But what were the sources of this reserve fund? We know from Livy that in 209 it was fed from the *vicesima libertatis*, but not that the revenue of this tax was still set aside to reserve in the time of Cicero.[10] Pliny gives the amounts in the treasury of the Roman people in 156, 91, and 49 B.C. and says that the state had never been more wealthy than on the last occasion; he then adds that Aemilius Paullus had paid in 300 million HSS from booty after defeating Perseus and that *tributum* had therefore ceased to be levied (p. 21 n. 5). Lucan too, who may transmit in poetic form what he found in Livy, tells how Caesar seized on moneys

[1] Livy vii. 16. 7; xxvii. 10. 11; Beloch, *Bev.* 414; Frank, *ESAR* i. 100 ff.
[2] *Caes.* 35. 3.
[3] *BC* ii. 41.
[4] ii. 13. 21.
[5] *Att.* vii. 21. 2.
[6] *BC* i. 14. 1, cf. 6. 3. See M. Gelzer, *Caesar* (Engl. tr.) 209.
[7] *Att.* x. 4. 8; 8. 6: Plut. *Pomp.* 62; Dio xli. 17; Oros. vi. 15. 5.
[8] iii. 115.
[9] *NH* xxxiii. 55 ff.
[10] Cic. *Att.* ii. 16. 1 might suggest the contrary.

accumulated from *tributum*, booty, and provincial taxes.[1] It seems to follow that the sum taken by Caesar represents all the moneys in the public treasury including any reserve funds, but that we cannot be sure of the provenance of such reserves. Pliny and Orosius have different records of the sum: Frank ingeniously attempted to reconcile them,[2] but even if we accept his emendations of Orosius and Pliny, there is no reason to think that the sum thus conjecturally ascertained derived solely or mainly from the tax on manumissions. Moreover, his attempted proof that Sulla had emptied the same funds in 81 B.C. and that the sum in question is simply the total proceeds of that tax between 81 and 49 B.C. is, even granted his premisses, extremely precarious. Finally, once again we do not have sufficient evidence to determine average manumission prices.

The rate of manumissions in the first century cannot then be deduced from the amount of money found in the *aerarium* in 49.

[1] iii. 155 ff. [2] *AJP* liii, 1932, pp. 360 ff.

8. VIOLENCE IN THE ITALIAN COUNTRYSIDE[1]

APPIAN says that both before Tiberius Gracchus' agrarian law and during the period when its effects were being undone the rich often obtained the lands of the poor by violently dispossessing them. According to Sallust,[2] while small farmers were on military service, their parents and young children were expelled from their farms by powerful neighbours.[3] The *lex agraria* of 111 concerns itself with the contingency of such forcible ejections.[4] Caesar noted that among the Germans there was no private property in land; one of several possible explanations he offers is the Germans' desire that 'men should not devote themselves to adding acre to acre and that the more powerful should not expel the humbler folk from their possessions'; this explanation clearly derives from Roman experience.[5] Violent expropriation of neighbours is often alleged against individual Romans by their enemies. Thus Cicero says that it was Autronius' practice to turn men out of their possessions and massacre his neighbours, that Clodius' army of barbarian slaves had seized numerous farms in Etruria, that Crassus had been guilty of 'expulsiones vicinorum, latrocinia in agris'.[6] Similarly the prosecutor of C. Rabirius in 63 claimed that he had kidnapped other men's slaves contrary to the Lex Fabia and flogged and killed Roman citizens in violation of the Lex Porcia; these might have been either incidents in the seizure of property or unrelated acts of violence. Of course, we do not know that any of the charges were true; Cicero ridicules those made against Rabirius on the ground that virtually the whole of Apulia and Campania, evidently the regions where he had estates, had come to testify in his honour. (The witnesses, however, were probably men of wealth and rank, and if Rabirius had committed the offences alleged, his victims were doubtless of a lower class, and some were dead.?) But, true or not, the allegations must have been plausible; these were acts of a kind that were common in Italy and could safely be ascribed to men of notoriously violent behaviour.

Some instances of violence are well documented. Cicero refers to an occasion (the facts were not in dispute) when the bailiffs of Aulus Cluentius' property in Samnium had to defend it against an armed irruption by the herdsmen of Ancharius and Pacenus.[8] He tells how a large armed band of the slaves of Publius Fabius surprised the villa of Marcus Tullius in the land of Thurii, sacked it, and

[1] I deal here with violence in more or less peaceful conditions. For effects of civil wars see Chapter XVIII.

[2] *BC* i. 7. 29, 27. 121.

[3] *BJ* 41. 8. Labeo puts a case where the farmer is dispossessed, while away at the market, *Dig.* xli. 2. 6. 1.

[4] *FIRA* i, no. 8, 18. This presupposes the existence of the interdict *unde vi* (*infra*).

[5] *BG* vi. 22. 3.

[6] Cic. *Sulla* 71; *Mil.* 74, cf. 26 and 50; cf. *de aere alieno Mil.* fr. 6 Müller, *Paradoxa St.* 46. See also *incert. orat. fr.* 28 Müller, and perhaps *Cael.* 23 ('de bonis Pallae').

[7] *Rab. perd.* 8. On the Lex Fabia see p. 292.

[8] *Cluent.* 161.

cut the throats of Tullius' slaves,[1] and how armed slaves and free men drove Aulus Caecina from farms he owned or claimed in the territory of Tarquinii at the command of a rival claimant.[2] There is probably some truth in his detailed allegations against Clodius, that he had tried to eject 'Publius Varius here, a most gallant and excellent citizen' from his property with a regular army ('armis castrisque'), that he had built a villa for himself on an island in the Lacus Prilius, with the owner, a Roman Eques, looking on helplessly across the water, that he had threatened death to various named persons, if they did not cede property to him.[3] All the victims in these cases were men of wealth or rank, and we can judge from this how the poor may often have fared. It is striking that so many instances of such violence occur in the few extant speeches of Cicero on private affairs.

Cicero says that the quarrel between Cluentius' bailiffs and the agents of Ancharius and Pacenus was one of the usual disputes among herdsmen, and in pleading for Tullius he remarks that many *familiae* in distant lands and in the pastoral country were said to be armed and to be guilty of murders; he also depicts Clodius' barbarian slaves as coming down from the Apennines.[4] Herdsmen had to be armed to defend the flocks against wolves and brigands in the uplands. It was because they possessed weapons and were accustomed to their use that the slave risings in Sicily and under Spartacus were so formidable.[5] In 49 Pompey was alleged to have enlisted 'servos pastores' in Apulia for his cavalry; Caesar says that he armed them, but that does not mean that they had no weapons before, only that they were now supplied with equipment suitable for Roman regular troopers. In 48, again, Marcus Caelius tried to raise the herdsmen in the territory of Thurii in revolt; in 64 Cicero had accused C. Antonius of a similar plan.[6] But we must not infer that violence was confined to the Apennines, or to districts remote from Rome. Tarquinii, in whose territory Caecina was ejected by force from farms he claimed, was not far from the city. If only because the herdsmen had to bring the flocks down to winter pastures, the farmlands of the plains were not necessarily secure, as the misfortunes of both Caecina and Tullius show. In Etruria villas were fortified as *castella*.[7] On his fatal last journey from Aricia to Rome Clodius had 30 armed slaves with him (and Milo had more); Asconius remarks that in those days travellers used to have armed escorts.[8] As early as Plautus' time it was indeed an offence to carry arms with intent to kill or

[1] *Tull.* 18–22. Cicero alleges that previously Fabius' gang, especially armed to terrorize the neighbourhood, had killed two slaves of Q. Catius Aemilianus; 'agros, vias denique infestas habebant.'

[2] *Caec.* 20 ff.

[3] *Mil.* 74.

[4] For later instances of violence in the upland pastures see p. 374 n. 3; *FIRA* i, no. 61, *CIL* ix. 2826, cf. *Cod. Th.* ix. 30. 2 and 5, 31. 1. *Saltuarii* were employed to protect boundaries or produce (Labeo *ap. Dig.* xxxiii. 7. 12. 4); in general the copious evidence about them is imperial, cf. M. Rostowzew, *Philol.* xviii. 297 ff.

[5] Posid. (Jacoby, no. 87) F 108 (*d*); Varro, *RR* ii. 10. 3.

[6] Caes. *BC* i. 24. 2; iii. 21. 4; Ascon. 87 C. See p. 364 n. 4.

[7] Cic. *Caec.* 20; Licin. 34 F.

[8] 31, 50 C., cf. Cic. *Mil.* 10, 49. The fragments of Cicero, *pro Varano* (Quint. iv. 1. 73 f.; v. 13. 28) seem to refer to a not dissimilar incident. Prop. iii. 16. 1 ff. indicates the insecurity of roads near Rome.

steal,[1] and Sulla constituted or reconstituted a permanent court to try such crimes, evidently in the interest of public order, but it remained permissible to carry and use arms in self-defence.[2] The Lex Iulia *de vi publica*, Caesarian or Augustan, forbade men to collect arms at home except for hunting, journeys, or voyages; the exceptions made imply that in the absence of a police force it had to be recognized that men should have the means to protect themselves with arms, when travelling, while the prohibition was presumably necessary just because men like Clodius and Milo had kept stores of weapons for their armed gangs.[3] Cicero often refers to the *sicarii* of the day; under Sulla the 'vetus sicarius, homo sudax et saepe in caede versatus' had already become a well-known type.[4] The provision in the Augustan Lex Aelia Sentia, barring from the citizenship and residence within a hundred miles of Rome slaves who had been punished by their masters severely but later freed, is at first sight strange; why should slaves of this stamp ever have deserved manumission in their masters' eyes? We may conjecture that it was precisely slaves of the most violent character who might secure rewards from unscrupulous masters as members of their armed gangs.[5]

Against such violence the law provided remedies. It would not be in place to discuss them at length here, but some may be mentioned, for their very existence is testimony to the disturbed conditions of the late Republic. By an interdict *unde vi*, which perhaps went back to 161 and which Cicero calls 'cotidianum', a common affair, a man could recover possession of what he had been ejected from by force, provided that he had not himself secured possession by force, fraud, or consent of the ejector (*vi, clam, precario*); force could always be employed to repel force or undo its effect. In this case the plaintiff had to sue in a year.[6] This time-limit did not apply to a stronger remedy, the interdict *de vi armata*, apparently introduced in the first century, at a time (as Cicero says) when the civil wars had made men readier to resort to arms. Here again a defendant who had admittedly employed an armed gang could plead justification, if he employed it against armed attack or for his reinstatement in possessions lost through such attack.[7] In the interdicts both parties had to make a wager of a sum of money, which either forfeited, if the case went against him; and even if the plaintiff won, he might still need to litigate further (or resort to force) in order to resume possession, or title to the property; this was not very encouraging to the poor man.[8]

[1] *Aulul.* 408 ff., cf. Cic. *de fin.* ii. 54; *de inv.* ii. 59 f.; see W. Kunkel, *Unters. z. Entwicklung der röm. Kriminalverfahrens in vorsullanischer Zeit*, 1962, 45 ff. and chapter XI.

[2] Cic. *Mil.* 11; *Dig.* xlviii. 8. 1. pr.; *Coll.* i. 2–3; Paul, *Sent.* v. 23. 1; Kunkel, ch. XI (last note).

[3] *Dig.* xlviii. 6. 1.

[4] *Rosc. Amer.* 39.

[5] Gaius i. 13, 27.

[6] Cic. *Caec.* 91; *Tull.* 44 f.; *Dig.* xliii. 16. 1. Note Cassius' view (*h.t.* 1. 27): 'vim vi repellere licere' and hence 'arma armis repellere licere'. A. W. Lintott, *Violence in Republican Rome*, 1968 (the proofs of which he kindly lent me), stresses throughout (esp. ch. II) the traditional role of violence, e.g. in self-help, in Roman life, aggravated in the late Republic; on the interdicts see his ch. IX.

[7] Cic. *Tull.* 45; *Dig.* xliii. 16. 3.

[8] Crook, 1967, 146. The same point arises on the restitutory interdict 'quod vi aut clam', restricted to 'quaecumque in solo vi aut clam fiunt', which went back at least to Q. Mucius (*Dig.* xliii. 24. 1); Republican and Augustan jurists are cited rather frequently in the *Digest* on all the interdicts; either the law did not develop much thereafter, or the abundance of cases at this time made their works especially useful in this field.

It was also in the post-Sullan era, probably in 79, that a praetor named Octavius introduced a procedure under which according to Cicero 'cogebantur Sullani homines quae per vim et metum abstulerant reddere', the *formula Octaviana* which was in force at Rome in 71; the praetor announced 'quod vi metusve causa gestum erit, ratum non habebo'; if the user of force or menaces failed to make restitution, an action lay against him with a fourfold penalty.[1] J. M. Kelly has recently suggested that this measure was 'directed primarily against the off-scourings of the population; even those to whom confiscated estates were formally awarded were very largely freedmen of the lowest type'.[2] The second statement is certainly a gross exaggeration (cf. pp. 302 ff.), and the first is refuted by the statement that the 'Sullani' affected included men who had given unjust decisions when magistrates. Moreover, since the new procedure became a permanent part of the praetorian law, it is not enough to say that it was introduced to 'deal with a special and transitory situation'; on the contrary, it was recognized that the evils it was designed to correct were always recurring. Kelly is on stronger ground in arguing that it was of very little practical effect; it did not protect Clodius' victims, it is ignored by Gaius and the exposition in the *Digest* is highly theoretical and cites in Kelly's view only one actual instance; his analysis of this single case suggests that the action was an almost forgotten rarity, resurrected by an imperial rescript in Ulpian's time. I might add that this case is also irrelevant to the utility of the action in protecting the small man against a powerful neighbour: it is concerned with the liability of a plaintiff, probably rich, to fulfil a promise, presumably to make some benefaction, which had been extorted from him by the municipality of Capua, very likely through mob-violence.[3] I am indeed less sure than Kelly that no other cases underlie the exposition in the *Digest*,[4] and in any event most of the fragments of juristic writings quoted there date from the Principate; we could hardly expect evidence of the frequency of the action in the late Republic. Gaius' silence also shows no more than that in his day the action had become less important.[5] Cicero says expressly that Octavius had earned golden opinions, and shows that L. Metellus, who was urban praetor in 71, thought it worth while to extend application of the formula to Sicily in 70, when he was governor there. But it remains true that we have no positive evidence that the formula was so efficacious as to dispel the doubts Kelly has raised (*infra*) about the general effectiveness of the law in protecting the poor and weak. There is also much plausibility in Kelly's theory that a fourfold penalty was only demanded as 'a gesture of legislative despair' in circumstances where, for one reason or another, there was little chance of successful prosecution.[6] If that be so, we may think that the *actio Octaviana* did little more than symbolize public reprobation of a widespread evil.

A fourfold penalty was also provided in a new action devised in 76 by the praetor, Marcus Lucullus. Under the Lex Aquillia it was already possible to claim simple compensation for wrongful damage to slaves or other property; if

[1] Cic. *ad Qu. fr.* i. 1. 21; *Verr.* ii. 3. 152; *Dig.* iv. 2. 1, 2. 14. 1, cf. Lintott 129 f.
[2] *Roman Litigation*, 1966, 14 ff. [3] *Dig.* iv. 2. 8. 3.
[4] There is certainly another case in iv. 2. 13, and probably one arising from civil wars in iv. 2. 9. pr.
[5] Labeo is cited four times in the title. See Addenda. [6] Op. cit., ch. VIII.

the claim were unsuccessfully denied, an action gave the plaintiff double the sum claimed.[1] According to Cicero, Lucullus held that this remedy had sufficed in times when large slave households and violence were seldom seen, but that 'in these days when as a result of prolonged war at home the custom has arisen of men resorting to arms with less scruple', he thought it necessary to appoint a heavier penalty for damage done by armed bands, without requiring further proof of the wrongfulness of their action than that armed violence had been deliberately employed.[2] Kelly argues that the plaintiff for whom Cicero was appearing, Marcus Tullius, was himself a man of greater influence than the defendant who had resorted to rapine, and that the exordium in which Cicero discourses at length on the nature of the remedy, so recently introduced, indicates that it was unfamiliar to the court and had, therefore, been rarely adopted; only Tullius' high standing gave him an opportunity to sue with any chance of success even on an action that had been expressly devised to curb the exploitation of large slave *familiae*.[3] The argument is unconvincing. There is nothing to show that the defendant, 'novus arator et idem pecuarius', was 'a ruined man embarking on a last gamble', while the fragmentary state of Cicero's speech makes it impossible to be sure that he nowhere inveighed against the undue influence of the defendant. However, we may concede that Tullius too was a man of wealth—certainly he owned a large estate in the Ager Thurinus—and that a poor farmer could hardly have engaged the eloquence of Cicero on his behalf. The conditions revealed by the speech were highly unfavourable to the small proprietor, and he was undoubtedly less likely to obtain redress under the new action than a man of Tullius' standing.

As early as the Twelve Tables the citizen could claim compensation for personal injury. It is significant of the turbulence of the new age that Sulla himself created a new *quaestio* for *iniuria*, specifically for cases where a citizen had been beaten or his house had been invaded.[4] The suit was still private, the plaintiff (if successful) obtaining damages and the defendant suffering *infamia* in addition, but the jurisdiction was held to be in the public interest.[5] But one might guess that it was often imprudent or idle to sue a powerful persecutor.

Kelly has certainly given strong reasons for doubting whether a humble man could get effective legal redress in the Republic against one of wealth and standing. It was only by the private effort of the plaintiff that the defendant could be brought to court at all or that the judgement of the court could be executed; so far as we know, there were no effective sanctions to be exerted by public authority. Kelly indeed allows that the force of public opinion, the influence of powerful patrons on behalf of humble clients, and in some types of case the interests of the defendant himself may have led him to submit to jurisdiction.[6] It is very hard to know what weight should be attached to these factors. In politics at least during the last age of the Republic opinion was usually feeble against sheer force. A patron might find it more expedient to conciliate an offender of rank and influence

[1] Gaius iii. 210–19; Paul, *Sent.* i. 19. 1.

[2] *Tull.* 8–12.

[3] Op. cit., 163 f.

[4] *Dig.* xlvii. 10. 5–6. It may be significant that citations of Labeo in this title are very numerous.

[5] *Dig.* iii. 3. 42. 1 (Paul).

[6] Op. cit., ch. 1.

than to stand by his clients. The consideration that defendants could sometimes 'scarcely afford to beat off just claims, for fear of bringing their businesses into disrepute' is irrelevant to landgrabbing. Moreover, once a suit had been accepted, it is probable, as Kelly shows, that some judges often gave decisions perverted by *gratia*, *potentia*, or *pecunia*.[1]

> Quid faciant leges, ubi sola pecunia regnat,
> aut ubi paupertas vincere nulla potest?

The lines are by Petronius,[2] but it is hardly credible that courts were invariably impartial and upright in Cicero's time, though it would be too cynical to assume that judgements were normally determined by improper motives. At any rate the introduction of new remedies against violence and terrorism in private life in and after Sulla's dictatorship, like the progressive strengthening of legislation against extortion, peculation, and bribery in public affairs, is surely better evidence of the frequency of evils they were intended to obviate or redress than of the complete suppression of those evils.

This pessimistic conclusion applies no less to the attempts made by penal legislation to curb violence. Caesar imposed heavy fines for the violent or fraudulent removal of boundary stones, but the practice remained frequent under Augustus.[3] One might guess that the Lex Fabia against kidnapping (p. 292) belongs to this period and was hard to enforce. In 78 the consul, Catulus, seems to have passed a law proscribing armed violence, presumably as a result of the *émeute* in Etruria which preceded Lepidus' rising. Probably it was later extended by a Lex Plautia, under which there were several trials for *vis* in the late Republic.[4] Given the nature of our evidence, it is natural that the cases we hear of are mostly of riots in the city against public authority, not of rural disorder. But the Lex Plautia certainly prohibited some types of private violence, perhaps only if they could be regarded as being 'contra rem publicam'; one clause denied to the user of violence the right to acquire by *usucapio* ownership of property he had seized.[5] Its insertion suggests how little the interdicts availed. Republican law was consolidated by the Julian laws on *vis publica* and *privata* enacted either by Caesar or by Augustus. Among other things they forbade anyone to dispossess a man of his property, or seek to do so, by armed force, e.g. by besieging him in his house, or to use armed men to pillage and burn his goods, to make him enter into a contract by force, or to muster a gang to prevent him approaching a court, or to beat him; heavy penalties were prescribed.[6] This legislation indicates the

[1] Op. cit., ch. II. [2] *Sat.* 14.

[3] *FIRA* i, no. 12; *Dig.* xlvii. 21. 3; Dion. Hal. ii. 74. 5; Hor. *Odes* ii. 18. 23.

[4] Cic. *Cael.* 70, cf. Lintott, ch. VIII with full evidence and bibliography on the Lex Plautia also; I do not think he is quite right in associating Catulus' law, which must be in 78, with Lepidus' insurrection, which was not of course to be repressed by legislation; it should belong to the context of the events to which Licin. 34 F.; Sall. *Hist.* i. 65–9 allude, when Lepidus was ostensibly on the side of order.

[5] Gaius ii. 45; *Dig.* xli. 3. 33. 2.

[6] *Dig.* xlviii. 6 and 7 *passim*; Paul, *Sent.* v. 26. Cic. *Phil.* i. 23 refers to a Caesarian law on *vis*; in Lintott's view (107 ff.) it dealt with *vis publica*, and Augustus was the first to legislate on *vis privata* as such.

conditions that had prevailed in the preceding age (whether or not it was effective for the future, when the government had force at its disposal, such as the Republican senate and magistrates had lacked); it was clearly aimed not at common criminals but at offenders who had the money and power to organize armed bands and terrorize their neighbours, precisely as Cicero says Clodius terrorized Etruria.[1]

[1] For brigands see also Varro, *RR* i. 12. 4, 16. 1 f., though in the second passage he gives illustrations only from the provinces. [Cf. Sall. *Cat.* 28 (Etruria)].

9. THE AUGUSTAN MARRIAGE LAWS

IN two poems written before 27 B.C. Horace exhorted Octavian to check the licence of the age. It would seem that the new Princeps acted promptly on advice he had probably inspired. Some rather vague passages in Tacitus, Florus, and Orosius suggest that moral legislation may be dated to 28, soon after the first closure of the temple of Janus in 29, a time when Octavian was certainly performing censorial duties. Propertius, writing before 23, says:

> Gavisa est certe sublatam Cynthia legem,
> qua quondam edicta flemus uterque diu,
> ni nos divideret.

He seems to be alluding to a law promoted by Octavian, which was either passed and then repealed, or promulgated and withdrawn, and which would have separated the poet from Cynthia, a prostitute whom he would not have been permitted to wed. Later, Propertius proceeds:

> Unde mihi patriis natos praebere triumphis?
> nullus de nostro sanguine miles erit.

This implies that the aim of the legislator was to encourage the raising of families, in order that Rome might have a sufficient supply of soldiers. Livy's lament that in his own age 'nec vitia nostra nec remedia pati possumus' can be read as another reference to the failure of the first attempt Augustus made to revive the ancient manners by legislation. The failure is not surprising in the light of the opposition offered to Augustus' later measures.[1]

Augustus says that in 19, 18, and 11 he declined the office of 'curator legum et morum summa potestate' and carried the measures which the senate desired in virtue of his tribunician power, i.e. by promoting *plebiscita* through the assembly. In his account of legislation in 18, Dio says that 'he laid heavier penalties on the unmarried men and women, and offered rewards for marriage and the begetting of children. Since among the well-born there were far more males than females, he allowed all who wished, except senators, to marry freedwomen and ordered that their offspring should be held legitimate.' 'The well-born' must mean 'the ingenuous'; if it meant 'the nobility', the sentence would be self-contradictory, since only men of senatorial family, and indeed strictly not all of that class, could be called noble. Dio's statement clearly relates to the 'Lex Iulia de maritandis ordinibus', as it is called in the *senatus consultum* on the Secular Games of 17 B.C., the 'lex marita' which Horace celebrated in his ode for the occasion.[2] The Julian law on adultery presumably belongs to the same time.

[1] Hor. *Odes* iii. 6; 24; Tac. *Ann.* iii. 28; Florus ii. 34; Oros. vi. 22. 3; Prop. ii. 7; Livy, pr. 9 (probably written, like book i, before the second closure of Janus in 26).

[2] *RG* 6; Dio liv. 16; EJ 30; Hor. *Carm. Saec.* 17 ff.

Augustus claimed that by his moral legislation he had revived many exemplary practices of the past and created others for the imitation of posterity.[1] In his view the law to encourage marriage and procreation was probably essentially, though not in detail, a revival of old tradition. Dio makes him say in A.D. 9 that he had merely reinforced numerous former enactments by senate or people.[2] On some occasion he read out to the senate and published in an edict the speech 'de prole augenda' Metellus Macedonicus had delivered as censor in 131.[3] Cicero's model laws, in part derived from the Roman, had even authorized the censors to prohibit celibacy, and Dionysius of Halicarnassus refers to an ancient law which had obliged citizens to marry and rear their children. If this law was more than a figment of annalistic imagination, it had long ceased to operate, and Augustus did not venture to revive it. At most, if we can believe a story that the censors of 403 had imposed a fine on 'eos qui ad senectutem caelibes pervenerant', a social obligation had once been recognized which the censors could, if they chose, seek to enforce; but no censorial sanctions are recorded within the period for which sound testimony exists. Dionysius' statement is not even consistent with the 'law of Romulus', which he himself reports and which may also be treated with scepticism (p. 148), whereby citizens were allegedly bound to rear all their sons and their first-born daughters. All such annalistic evidence may be merely the product of an age in which men were deeply concerned with the decline of the birth-rate among citizens and held that the Roman stock must have been more prolific at the time of Rome's early rise to power; already Cicero had urged the dictator Caesar: 'propaganda subolea.'[4] A statement by the epitomator of Festus that bachelors had once had to pay a tax may indeed be historical; such a special impost had doubtless ceased to be levied at latest when the collection of *tributum* from citizens was discontinued in 167; it was not reinstituted by Augustus, who in 18 had no thought of subjecting Italians once more to any form of direct taxation.[5] The very name 'proletarii' of course indicates that at one time it could be expected that even the poorest citizens would take wives and raise children. In the Roman conception marriage was designed 'liberorum creandorum causa',[6] and Augustus' aim was to promote the revival of this traditional concept in practice.

[1] *RG* 8. 5, cf. Suet. *Aug.* 34; 'leges retractavit et quasdam ex integro sanxit, ut . . . de maritandis ordinibus, hanc cum aliquanto severius quam ceteras emendasset . . . '; I take this to mean that in Suetonius' view Augustus' law was an 'amendment' of earlier enactments.

[2] Dio lvi. 6. 4 ff. [3] *Per.* Livy lix; Suet. *Aug.* 89. 2, cf. p. 75.

[4] Cic. *Leg.* iii. 7; *Marc.* 23; Dion. Hal. ix. 22. 2 but cf. ii. 15; Val. Max. ii. 9. 1. Gell. iv. 3. 2 (cf. note 6) reports that Sp. Carvilius Ruga (consul 234) 'iurare a censoribus coactus erat, uxorem se liberum quaerundum gratia habiturum'; cf. xvii. 21. 44; Dion. Hal. ii. 25. 7 for such an oath; see also Gell. iv. 20. 3 f.; Cic. *de orat.* ii. 260, and Plut. *Cam.* 2 for a story that Camillus as censor forced bachelors to marry by threatening fines; *Cato Maior* 16 for Cato as censor inquiring into the citizens' conduct in marrying and begetting children. I do not believe that at the time of Scipio Aemilianus' censorship there were any 'praemia patrum' offered by the law, as inferred by A. E. Astin, *Scipio Aemilianus* 322 ff. from Gell. v. 19. 15 f.

[5] 519 L.

[6] Enn. *Scaen.* 120; 129 V.; Plaut. *Capt.* 889; *Aul.* 148 f.; Hor. *Ep.* i. 2. 44; Val. Max. vii. 7. 4. Hence, a wife might justifiably be divorced as barren, Gell. iv. 3. 2 (note 4), cf. *Laudatio Turiae* (*EJ* 357) 35 ff.

But the system of rewards and penalties that he devised for this purpose was quite new, and he could hardly have contemplated it, unless celibacy and childlessness had been common enough to restrict reproduction.

It is no less clear that his measure roused exceptional resentment among the propertied class, to whom the provisions of the new law primarily applied. In A.D. 9 there was a demonstration against it at Rome by the Equites, a manifestation of opposition to which there is no parallel in his reign, and which forced Augustus to modify the terms of the law of 18 B.C. Dio tells us that Augustus announced that he would increase the rewards of those who had children and impose different penalties on the unmarried and on the childless; this seems to imply that under the law of 18 the penalties had been identical. The Lex Papia Poppaea was then passed to give effect to these and perhaps other changes.[1] The jurists usually fail to differentiate the terms of the Lex Iulia and the Lex Papia Poppaea, and in general we cannot distinguish between them. But we are expressly told that the earlier law allowed a widow only a year and a *divorcée* only six months to remarry, if she was to escape the disabilities imposed by the law or qualify for its privileges, whereas the Lex Papia Poppaea extended these periods to two years and eighteen months respectively.[2] There can be no doubt that the Lex Papia Poppaea was milder than the Lex Julia, and that Augustus had had to give way to public opinion. Even so, he also had to allow a year's grace before the provisions of the law became operative.[3] And this was not the first such concession he had made. Dio refers to two *vacationes* he had granted earlier, one of three years, another of two; Suetonius mentions only the first of these, neither of which can be dated.[4] Dio also makes Augustus say in A.D. 9 that he had allowed men to betroth themselves to girls below the age of puberty and apparently to enjoy the privileges of married men as a consequence. Probably this concession was part of the law of 18 and occasioned, like the stipulations that women, not men, should remarry within a fixed period, by the shortage of marriageable women (*supra*). From Dio's account of Augustus' actions in 18 we might infer that the law made this concession to those who were betrothed to girls who had at least reached the age of ten, and that they had to marry them within two years, when they attained the presumed age of puberty; but I am inclined to think that the law did not at first impose such conditions, and that the *sponsae* could be infants; it was tightened up rather later.[5]

The strength and partial success of the opposition to the Lex Iulia suggest that celibacy and childlessness were already too deeply rooted in Roman society to be extirpated by the Augustan legislation; probably then they had become common

[1] Dio lvi. 1–10. Cf. Suet. *Aug.* 34, after the words quoted in p. 559 n. 1; '(hanc) prae tumultu recusantium perferre non potuit nisi adempta demum lenitave parte poenarum et vacatione trienni data auctisque praemiis'; apart from the reference to the *vacatio* (note 4), this seems to refer to the Lex Papia Poppaea. Suetonius goes on to describe the demonstration of the *equites*.

[2] Ulpian xiv. [3] Dio lvi. 10.

[4] Dio. lvi. 7. 3, cf. Suet. *Aug.* 34 (n. 1). On chronology see H. M. Last, *CAH* x. 441 ff.

[5] Dio lvi. 7. 2, cf. liv. 16. 7; Suet. *Aug.* 34: 'eumque etiam immaturitate sponsarum et matrimoniorum crebra mutatione vim legis eludi sentiret, tempus sponsas habendi coarctavit, divortiis modum imposuit.' On the last three words see H. M. Last, *CAH* x. 446 n. 1; it does not seem that Augustus took any strong measures to reduce the frequency of divorce.

far back in the Republic, as the complaints of Metellus in 131 indicate. Moreover, if Dio is right, although the Lex Julia aroused bitter resentment, it did not have the effect intended; he repeats more than once that in A.D. 9 a considerable minority of the Equites were still unmarried.[1] It does not look as if this could be explained merely by the assumption that the bachelors were mostly under 25, the age by which the law expected men to have married (*infra*). It would of course have been natural enough if the shortage of marriageable women, on which Dio remarked in his account of the events of 18, still persisted; but if it did, that is only further proof that after the lapse of 27 years the legislation had proved inefficacious.

It is arguable that it was relatively easy to evade the laws. Gaius remarks that 'bachelors who are forbidden by the Lex Julia to take inheritances and legacies could at one time apparently take *fideicommissa*, and that the childless who under the Lex Papia lose half the sums left them by way of inheritance or legacy could apparently at one time take the whole property by way of *fideicommissum*'. In his view this abuse was not checked until the Flavian period. But he may not have been right. In the Republic *fideicommissa* had not been enforceable at law; it was 'the divine Augustus who first on one or two occasions, moved by personal influence or on the ground that some one was said to have been besought by his own safety (to carry out a trust) or because of the egregious perfidy of certain persons, ordered the consuls to interpose their authority. Because this procedure seemed just and was popular, this was gradually turned into a permanent jurisdiction.'[2] It would seem then that in Augustus' time *fideicommissa* were only enforced in individual cases which attracted his personal attention, and we could hardly suppose that he was commonly disposed to enforce them, when their very purpose was to evade his own legislation. Even when a permanent procedure was established to enforce *fideicommissa*, the court should properly have refused its sanction to those which contravened the principles of the marriage laws; and the treasury had an interest in preventing evasions. The outcry under Tiberius against the harsh enforcement of the laws is unintelligible if they could be easily evaded,[3] and Gaius' repeated use of 'videbantur' ('apparently') betrays that he did not know that *fideicommissa* were actually used with success for this purpose.

The scope of the laws was limited. They affected the small class of those who sought offices at Rome and probably in the municipalities, men and women of property in general, freedmen and freedwomen and their patrons. As there was no direct taxation on Italians, there could be no question of giving tax concessions to the married and those who had children, though, when the *vicesima hereditatum* was instituted in A.D. 6, it was not payable by the very poor (nor by near kin); it is uncertain how they were defined.[4] Nor were the poor encouraged

[1] Dio lvi. 1. 2, 2. 1, 4. 3.

[2] Gaius ii. 286 ff.; Just. *Inst.* ii. 23. 1, cf. 25 pr. [3] Tac. *Ann.* iii. 25–8.

[4] Dio lv. 25. 5: *τὴν δ' εἰκοστὴν τῶν τε κλήρων καὶ τῶν δωρεῶν, ἃς ἂν οἱ τελευτῶντές τινες πλὴν τῶν πάνυ συγγενῶν ἢ καὶ πενήτων καταλείπωσι, κατεστήσατο.* Dio's language strictly means that it was the poverty of the beneficiaries, not the size of the estate, that gained exemption, but cf. Pliny, *Pan.* 40; for payments on legacies to soldiers, poor men, *P. Mich.* 435+440. For various theories on the minimum which attracted liability see J. F. Gillism, *AJP* lxxiii, 1952, 397 ff. We cannot even assume that the law remained unchanged from A.D. 6 into the second century.

to marry and have children by direct subsidies. Augustus did not seek to anticipate Trajan's alimentary scheme. Yet Horace as well as Dio represents him as concerned to increase the number of citizens as such, not merely the number within particular classes.[1] It is indeed hardly credible that he should have wished freedmen to increase and multiply, as he evidently did, and been indifferent to the reproduction of the poor who were of the old Italian stock. If, none the less, he did nothing directly to promote the last objective, the explanation may be sought in financial stringency. To meet the ordinary expenses of the state, he had to make subventions to the treasury from his personal wealth,[2] and though this was very great, it was not unlimited. Imperial revenues had vastly grown by Trajan's time. Augustus was restricted to modes of encouraging the birth-rate which did not require public expenditure.

I shall now consider briefly the principal known provisions of the Augustan marriage legislation and make such comments as are germane to the subject of this book.[3]

In the first place the legislation sought to remove certain barriers to marriage. There was to be no obstacle to marriage between freed and free-born, with the exception of persons of senatorial family (p. 145 n. 1). It avoided conditions attached to bequests in restraint of matrimony: 'condiciones contra leges et decreta principum vel bonos mores adscriptae nullius sunt momenti, veluti si "uxorem non duxeris", "si filios non susceperis".'[4] It is clear that the legislator would not have thought of rendering such conditions null, if they were not familiar to his experience. It is not easy to see why a testator should have made such conditions in leaving property to an *extraneus*, but one might surmise that he would be tempted to do so, in providing for one of his own family, with the object of ensuring that the whole property should ultimately revert to a single member of the family, or at any rate not be dispersed among too many members, and that the future wealth and dignity of the family should be conserved. Like most of the other provisions of the laws, this affects only the richer citizens. Similar restraints on the freedom of widows to remarry were also avoided.[5] A text of Marcian which has certainly been altered by the compilers reads as it stands: 'capite trigesimo quinto legis Iuliae qui liberos quos habeant in potestate iniuria prohibuerint ducere uxores, vel nubere, vel qui dotem dare non volunt, ex constitutione divorum Severi et Antonini per proconsules praesidesque provinciarum coguntur in matrimonium collocare et dotare.' Here the references to *filiifamilias* and to *dos* are suspect, and it is clear that Marcian must in the authentic text have distinguished between what the law required and the modification or interpretation made by Severus, but it may be held with some confidence that the law itself restrained the *paterfamilias* from 'wrongfully' barring the marriage of his daughters, if not also of his sons.[6] Why should he have wished to

[1] *Carm. Saec.* 17 ff., cf. 47; Dio lvi. 2 f., 7. [2] *RG* 17.

[3] The evidence is conveniently assembled in *Acta Divi Augusti* ed. S. Riccobono, Rome, 1945, pp. 166 ff.; I cite only the principal texts.

[4] Paul iii. 46. 2. Jurists discuss such conditions in commentaries on the Lex Iulia and Papia, e.g. *Dig.* xxxv. 1. 64. [5] *Fr. Vat.* 58.

[6] *Dig.* xxiii. 2. 19, on which see P. E. Corbett, *Roman Law of Marriage*, Oxford, 1930, 64 f.; cf. 54 ff. Note xxiii. 2. 21 (Terentius Clemens III *ad legem Iuliam et Papiam*): 'non cogitur filius familias uxorem ducere.'

do so? Again, the answer must be that his aim was to keep the family property together, unimpaired, for instance, by the grant of dowries. Other provisions debarred the patron from prohibiting under oath the marriage of manumitted slaves.[1] Under the law of the late Republic the patron had the right to half the freedman's inheritance, whether he made a will or died intestate, provided that he left no children; adoptive children did not suffice.[2] It was, therefore, in the clear interest of the patron to restrain the freedman from marriage, and it is clear that he had hitherto been able to exercise some restraint. Other clauses actually increased the patron's rights, but only if the freedman had fewer than three children. Augustus wished freedmen to reproduce themselves; he encouraged them to do so by rewards and penalized them if they did not.

We next come to the system of rewards for raising families. They normally extend to the parents of three surviving children; sons lost in war were reckoned as surviving. (There was an ambiguity here: must they have been lost in battle, or merely in time of war? Opinions differed, but the narrower view seems to have prevailed.[3]) It was not till Nero that adoptive children were excluded, and counted to the natural parents.[4] Considering the high mortality especially among infants that must be assumed, Augustus set the target high, perhaps discouragingly high. At Rome three children gave the political class precedence in office and more rapid promotion.[5] Naturally this affected a small circle of people. Men were also excused civil *munera*, originally perhaps only *cura* and *tutela*, at Rome if they had three children, in Italy if they had four, in the provinces if they had five.[6] The legislation recognized that there was more hope of a high birth-rate outside Rome. Only two children sufficed to excuse the freedman from *operae* promised to his patron;[7] in this instance it was recognized that freedmen could not be expected to have as many children as the free-born (cf. Chapter XI section iv). *Ingenuae* were released from the control of *tutores*, if they had borne three children, *libertinae* if they had borne five (an unrealistically large number).[8]

The new legislation also varied the rules of succession as between husband and wife. It had long ceased to be usual for the wife to come under the *manus* of her husband; hence in the rules of intestate succession under the Republican civil law she was rarely among the *sui heredes*, and she did not come high in the order of precedence of those persons to whom the praetor would award *bonorum possessio*. The husband who wished to provide for her on his death had, therefore, to make her his heir, alone or jointly, or to leave her a legacy. But the Lex Voconia of 169 had limited his right to do so, if he were registered in the first property class. He could no longer institute a woman as heir; she could be legatee,

[1] *Dig.* xxxvii. 14. 6. 4; the provisions may come from the Lex Aelia Sentia of A.D. 4.
[2] Gaius iii. 40 ff.
[3] *Inst.* i. 25. pr. 1; *Fr. Vat.* 197, 199; *Dig.* xxvii. 1. 18 (itpd.). *Nepotes* also counted, but only if *ex filio*.
[4] Tac. *Ann.* xv. 19, cf. *Fr. Vat.* 169, 196.
[5] Gell. ii. 15; Tac. *Ann.* ii. 51; xv. 19; Dio liii. 13. 2. In municipalities the same principle was introduced, see Lex Mal. (*FIRA* iii, no. 24) ch. LVI.
[6] *Dig.* xxvii. 1. 2. 3 (cf. l. 5. 1. pr. for generalization to all public *munera*); *Inst.* i. 25. pr. *Dig.* xxvii. 1. 2. 6 implies that children counted from birth.
[7] *Dig.* xxxviii. 1. 37. pr. [8] Gaius i. 114, cf. 145; iii. 44.

but could not take property exceeding in value what was left to the heir or to the joint heirs; at most, therefore, she could take half the property of her deceased spouse, a proportion that would be reduced if the inheritance were lessened by other legacies.[1] Husband had little chance of inheriting from wife under the rules of intestacy, but in so far as the wife possessed property (i.e. if she was *sui iuris*), she does not seem to have been barred from instituting her husband as heir or making him a legatee. Under the new legislation husband and wife can inherit the whole of the other's property, if both or either were below the age at which children could, in the eyes of the law, properly be required (25 for men, 20 for women), or if husband exceeded the age of 60 and wife of 50, or if they were related within the sixth degree, or if they had a child living, or had lost one child above the age of puberty, or two above the age of three, or three after their name-day (the ninth day after birth); I omit some other minor qualifications.[2] These provisions improved the succession prospects of the wife; the details show that the law recognized the probability of a high rate of infant mortality. On the other hand, if none of the qualifications were fulfilled, either spouse could take only a tenth of the other's property, with an additional tenth for each surviving child of another marriage, and for each of the first two common children lost after the name-day (but before the age of three); either could have the usufruct of a third of the other's estate, with the right to acquire ownership if he or she had children later.[3] These provisions impaired the succession prospects of both husband and wife, if childless.

In general *caelibes* were debarred from receiving under wills, and *orbi*, i.e. men aged 25–60 and women aged 20–50 who had no children, could take only half what they were left; it appears that a single surviving child sufficed, and conceivably there were other provisions concerning children lost similar to those just described.[4] These disabilities did not apply to women for two years after death of spouse and for eighteen months after divorce (*supra*), nor to kin of the deceased in the sixth degree, nor even to children of cousins on the mother's or father's side:[5] similarly rights of intestate succession were unrestricted. In so far as a family continued to feel a high degree of solidarity, these exemptions may have been important in reducing the effectiveness of the laws; thus, of three brothers two could remain unmarried without loss of their right to inherit from each other, and might prefer to do so, in order that the family property might not in course of time be indefinitely divided between numerous children to the point at which the grandeur of their house might be impaired.[6]

[1] *RE* xii. 2418 ff. (Steinwenter); see especially Gaius ii. 274, 226. Dio's statement that under the law no woman could receive over 100,000 sesterces (lvi. 10) is inaccurate, cf. Cic. *Rep.* iii. 17. I do not agree with Steinwenter that the Lex Falcidia of 40, which guaranteed a fourth of deceased's property to the heir, implies that thereafter a woman as legatee could take three-fourths. Steinwenter overlooks Pliny, *Pan.* 42, which shows that the Lex Voconia was in full operation (except so far as modified by Augustus' legislation) in Domitian's time; Gell. xx. 1. 23 f. must represent a later development.

[2] Ulpian xvi. Dio lvi. 10 attests that the Lex Papia gave some wives the right to inherit more than was allowed by the Lex Voconia.

[3] Ulpian xv.

[4] Gaius ii. 111; Ulp. xvi. 1 (xvii. 1 shows that *caelibes* could acquire the right to receive inheritances and legacies by marrying within a hundred days); *Dig.* L 16. 148–9.

[5] *Fr. Vat.* 216 f.

[6] See p. 140 n. 3.

The richer freedmen, those worth 100,000 sesterces or more, were also encouraged to marry and raise a larger family. Previously a single surviving natural child (but not a child by adoption) had excluded the patron from the inheritance; under the Lex Papia *patronus* took half, if there were only one child, and a third if there were two; three children were required to keep him out.[1] *Patrona* had previously no right of succession unless the freedman died intestate without *sui heredes*; she now acquired the same rights as *patronus* had previously enjoyed, but only if she had two children (or three if herself a freedwoman).[2] By contrast the freedwoman was now for the first time allowed to make a will, provided that she had four children, without the sanction of patron as *tutor*; by withholding sanction, he had been able to secure his own succession as intestate heir, even though she had children. In compensation he was now entitled to a *virilis pars* in the estate.[3]

It is interesting that the rules relating to freedmen summarized in the last paragraph (some details have been omitted) are confined to those worth 100,000 sesterces or more. In the *Gnomon* of the Idios Logos the restrictions imposed on *caelibes* and *orbi* similarly affect only men and women of that property qualification; here too the restriction may go back to the Augustan legislation, though it may arise from a later modification.[4] It was the usual, though not certainly a universal, qualification for membership of an Italian municipal council, perhaps too for belonging to the Augustales, the colleges of rich freedmen that are so common in imperial Italy.[5] Did Augustus think it idle to encourage poorer persons to have large families? Or did he merely regard the extension of penalties to people below this economic level as too hard to enforce? As the penalties on *caelibes* and *orbi* did not concern the poor in the sense defined, very little in the legislation can have had any general effect on the birth-rate. The relief from *operae* to freedmen with two children is the only obvious exception; like some of the other provisions, and the *ius anniculi* accorded to some Junian Latins (p. 145), this demonstrates that Augustus was free of racial prejudice and just as anxious that citizens of servile origin should propagate themselves as that the old Italian stock should do so.[6]

Analysis of the legislation suggests that though it was prompted by demographic considerations it could have had little effect in increasing the number of citizens, even if it had done much to change the behaviour of the classes whom it touched. Dio's evidence seems to show that within Augustus' own lifetime it did not succeed in this. And the copious testimony to the later prevalence of celibacy and childlessness attests its continuing failure.[7] It was indeed not

[1] Gaius iii. 39–42.
[2] Ibid. 43 f., cf. Ulp. xxix. 2; *fr. de iure fisci* 12.
[3] Ibid. 49 ff.
[4] Section 32.
[5] Petron. 44; Pliny, *Ep.* i. 19. 2; Dio lxxii. 16.
[6] So Dio lvi. 7. 6, *contra* Suet. *Aug.* 40. 3. The censors of 169–8, hostile to freedmen, had favoured those who had a natural child over five, Livy xlv. 15. 2. Dionysius probably reflects views prevalent in Augustan Rome when he makes king Servius justify the grant of citizenship to manumitted slaves partly on the ground that their progeny would add to Rome's military manpower. Cf. Pliny, *Ep.* vii. 32. See Addenda.
[7] Friedländer, *Sittengesch. Roms* i⁹. 246–50 cites evidence from Seneca, Petronius, the elder and younger Pliny, Tacitus, Martial, Juvenal, Epictetus, Gaius, Lucian, and Tertullian, as well as from Horace and Ovid; his earliest evidence is in Cic. *Off.* iii. 74; *Parad.* v. 39.

repealed until the acceptance of Christianity made the government set a higher value on celibacy. But that is no proof that it was in some measure successful in attaining Augustus' purpose.[1] Property bequeathed in contravention of the laws fell into the treasury, and provided revenue, the importance of which is itself proof that the sanctions failed to promote fertility. Tacitus even suggests that Augustus had legislated 'incitandis caelibum poenis et augeri lo aerario'.[2] That is not to be believed, but the fiscal motive imputed to the author of the laws may be sufficient to explain why his successors retained on the statute book, and even elaborated, laws which were manifestly incapable of achieving the aims that had originally inspired their enactment. But if precepts accompanied by rewards and penalties could not induce the wealthier citizens to marry and raise families in the Principate, we may conclude that a social tradition had established itself in the Republic which the laws could not break: 'quid leges sine moribus vanae proficiunt?'

[1] *Contra* Last, *CAH* x. 455 f. [2] *Ann.* iii, 25.

PART TWO

10. CISALPINA AS A CONSULAR PROVINCE

Livy preserves the allocation of provinces for the consuls from 200 to 167, except for 174, when there is a lacuna in the text; there is also no other evidence for the activity of the consular pair in that year. Hence we know the provinces assigned to 66 ordinary consuls. In 197, 196, 194–192, 188–178, 176–175, 173–172, and 167 both consuls were allotted 'Italy' or Cisalpina including Histria or Liguria; 'Italy' in fact meant the north. One consul had the same assignment in 200–198, 195, 191–190, 177, and 171–168. There is only one year (188) in which neither consul operated in this region. Altogether 53 consuls were occupied in, or designated for, war and pacification in north Italy.

For 76 years and 152 ordinary consuls from 166 to 91 inclusive our information is much less complete; in general we know how they were occupied, only if they fought wars. It can be summarized thus:

Africa 9 (149, both consuls; 148; 147; 118; 111; 110; 109; 106)
Asia 3 or 4 (131; 130; 129; perhaps 95)
Macedon and Achaea 5 (146; 114; 113; 112; 110)
Sardinia and Corsica 5 (163, both consuls; 162; 126; 115)
Sicily 4 (134; 133; 132; 101)
Spain 18 (153; 152; 151; 145; 143; 142; 141; 140; 139; 138; 137, both consuls; 136; 135; 134; 98; 97; 93)

In Cisalpina we have 12–15 consuls attested (166, both consuls; 162; 159; 155; probably 153;[1] 148; 143; 135; 132;[2] [117 (?); 115; 112 (?);] 102; 95; perhaps 94), but we might add Q. Opimius (154) and M. Fulvius Flaccus (125), who campaigned in Transalpine Gaul, and 6 consuls who operated in Illyricum (156; 155; 135; 129; 119; 113), probably with Cisalpina as base. In 178 the consuls had been assigned respectively Gaul and Liguria, but both eventually engaged in operations against the Histri, and wintered at Aquileia; C. Claudius, consul 177, took over the army there; his province is described as Histria, but I have classified him as one of the consuls operating in north Italy; and I take the operations mentioned above in Transalpine Gaul and Illyricum to be similar in kind, designed for the protection of north Italy. On the other hand, in 12 instances (124; 122; 121; 109; 107; 106–100) Gallia Transalpina was probably allocated as a province in its own right. In my judgement Italy must have been allotted as a province more often than is recorded, and the primary function of the consul who received it was to protect the north. It is unlikely that there was any sharp

[1] See T. P. Wiseman, *PBSR* xxxii, 1964, 22 ff. on the Via Annia. If Wiseman is wrong, and the Via Annia was built by T. Annius Rufus, consul 128, the number of consuls who operated in Cisalpina is not affected.

[2] *ILRR* 453.

break with previous practice in the 160s, and the insecurity of north Italy still warranted the presence of a garrison, often under consular command, in the post-Sullan era. Both consuls are known to have operated outside Italy in only 9 years (163; 149; 137; 134; 110–108; 106; 101), or 13, if Illyricum be regarded as a separate theatre (135; 129; 118; 113), while in 21 years neither consul is known to have been in a province. In some cases, of course, we happen to know that consuls were in Italy but not in the north, for instance Q. Mucius in 133, C. Fannius in 122, L. Opimius in 121, both consuls in 100; I need not give an exhaustive list. All those mentioned were detained by turbulence at Rome.[1] But in 186 both consuls were assigned Liguria, and one was wholly, the other partly, preoccupied at Rome with the repression of the Bacchanalian cult. The fact that one or both consuls are found at Rome does not imply that they had not originally been intended to proceed to the north. In 125 it fell to the praetor, Opimius, to reduce Fregellae; where was the consul, M. Plautius? And why do we hear nothing of T. Flamininus, consul 123? In each case the province is not recorded; we may surmise Cisalpina. In 143 it fell to Q. Metellus, who was to go out to Spain, to put down a slave rising at Minturnae; his colleague, Ap. Claudius, must already have left for Liguria. Unfortunately we only hear of a consul in the north when he fought some petty war or sometimes when he built a road; the activity of most left no mark in history. It was not necessarily unimportant. The consul in Cisalpina may normally have had an army and preserved the peace without winning glory. The probable fact that Cisalpina remained a normal consular province indicates the perpetual anxiety felt about the north. Consulars were still sent there, sometimes charged with Transalpina or Illyricum as well, in 78, 77, 75, 73, 67, 60, and 59; the base for Caesar's conquests might also have been Sulla's last province in 80.

If Cisalpina was normally a province for at least one consul yearly throughout the second century, we have (as argued in Appendix 11) more magistrates available as the founders of *fora* bearing gentile names than has sometimes been supposed; however, the assumption that such *fora* were founded only by magistrates is dubious. Roads were certainly constructed by censors, like the Via Appia, the Via Flaminia in its inception, and the Via Aemilia (Scauri), or by consuls, like the great Via Aemilia and the second Via Flaminia from Bononia to Arretium in 187 or the Via Postumia in 148. We do not know who was responsible for some roads. Toynbee has recently offered several conjectures.[2] More might be advanced on the assumption that several consuls after 167, whose provinces are not recorded, were active in the north or in improving communications between the north and Rome. Censors could also be considered. I do not feel as confident as Toynbee that the Via Cassia should belong to the third century, and Toynbee admits the difficulty that no Cassius is known to have even been praetor so early. Q. Cassius, consul 164, L. Cassius, consul 127, and C. Cassius, consul 124, may all have been active in Italy and any of them might have built or begun the road; the first

[1] In similar circumstances P. Popillius in 132 ultimately proceeded to the north.

[2] ii. 661 f., 664 ff. The Via Clodia can be ignored here, see J. B. Ward Perkins, *JRS*, 1957, 139 ff., who holds that it is 'patently' earlier than the Via Cassia and that 'its principal purpose must have been the consolidation of Roman authority in the densely settled but otherwise relatively inaccessible regions of central Etruria'.

named indeed died in office; alternatives are C. Cassius as censor in 154, or L. Cassius in 125. It would be convenient to put the construction in the period for which Livy's detailed account is lost; he mentions the road building in 187. Toynbee assigns the Via Aurelia to the consul of 200, but there is nothing to show that his delay in proceeding to Cisalpina was due to preoccupation with a coastal road to the north, and his army was mobilized at Arretium, quite the wrong place; consuls named Aurelius are available in 157, 144, and 119. None of these dates need be too late; it need hardly be said that Roman armies often marched on routes before paved roads were built; as Toynbee notes, the only *terminus ante quem* is the construction of Scaurus' road from Vada Volaterrana to Dertona in 109. He is also right in saying that the road from Dertona to Hasta pre-supposes the Via Postumia of 148 from Genua to Placentia through Dertona. He assumes it was a Via Fulvia; even so it does not follow that the author was Q. Fulvius Flaccus, consul 125; we could also think of Ser. Fulvius Flaccus, consul 135, though he campaigned in Illyricum, or more probably of Q. Fulvius Nobilior, censor 136.

In any event the Via Annia (153 at earliest), Via Postumia (148), Via Popillia (132), and Via Aemilia Scauri (109) are securely dated to the time when major military operations had ceased in the north. Their construction in itself shows that the government was still exercised by the problem of providing for the security of Cisalpina.

11. *FORA*, ESPECIALLY IN CISALPINA

AMONG the communities mentioned in laws of the late Republic, for instance the Caesarian table of Veleia which relates to Cisalpine Gaul after its enfranchisement, we find *conciliabula* and *fora*.[1] Festus defines the *conciliabulum* as 'locus ubi in concilium convenitur' and the *forum* (as township) as 'negotiationis locus, ut Forum Flaminium, Forum Iulium ab eorum nominibus qui ea fora constituenda curarunt'.[2] Both were at first centres of districts where the nearest colony or *municipium* with self-government was inconveniently distant for the rural inhabitants, though they might eventually become colonies or *municipia*. Evidently the *conciliabulum* was primarily an administrative centre, and the *forum* a market. Festus seems to think that the *forum* was created by a founder whose name it took. But not all *fora* are so named; we find Forum Subertanum in southern Etruria, Forum Novum in the Sabine country, Forum Gallorum and Forum Druentinorum in Cisalpina, and Forum Esii, where the genitive is at least not of a Roman founder,[3] and Forum Vessanum, whose whereabouts we do not know. We must not exclude the possibility that *fora* arose as local markets by a process of natural growth, even if at some stage they were 'constituted' by a founder, with market officials and public buildings which he may often have paid for (cf. p. 571 n. 1). The *fora* which the laws refer to were inhabited by Roman citizens, because they lay in areas where the free inhabitants had received citizenship, but *fora* such as Forum Gallorum, Druentinorum, or Licinii (pp. 573 ff.), and others in the provinces,[4] show that they could arise or be established for *peregrini*.

Beloch held that *fora* were founded as central points from which roads could conveniently be inspected and kept in repair.[5] But any towns on roads, whose loyalty was assured, could have served this purpose; at most it would only have been necessary to create *fora* on a stretch where there was no other urban centre. Beloch's theory placed too much weight on Festus' suggestion (to which there are apparent exceptions) that *fora* were deliberately founded by persons whose names they bore and too little on his description of them as trading centres. Such centres would naturally have arisen on roads, and if we wish to assume that they were 'constituted' for governmental purposes, we might think that their primary function was the supply of armies and official travellers. But, whether they grew from the natural needs of a scattered rural population or were deliberately created by the intervention of the state, we should beware of assuming that their connection with roads entails the prior existence of an *agger viae*. Roman armies must have marched often enough on the route from Ariminum to Placentia, which the Via Aemilia was to follow, before that route was paved in 187. At most a *forum*'s creation should depend on the existence of a line of communication

[1] *FIRA* i², no. 19, XXI, etc.
[2] Festus–Paulus 33; 74 L.
[3] Beloch, *IB* 109. Forum Esii (Obsequens 14) has been variously amended.
[4] e.g. Forum Domitii on the Via Domitia in Narbonensis, Forum Voconii (Latin, Pliny, *NH* iii. 36), Forum Segusiavorum.
[5] *IB* 108 ff.

which was in fairly frequent use; it need never imply that a military road was antecedent, as is commonly assumed on evidence that is much too frail to support the hypothesis. The date at which a *forum* was founded is never recorded to my knowledge. It is also rash to suppose that an Aemilius or Livius who gave his name to a *forum* did so as a magistrate. A Roman magistrate was apt to establish himself as patron of the people among whom he was active. It is not inconceivable that those people, when they themselves desired to build a trading centre, invoked the assistance and encouragement of that man, or of one of his descendants, to 'constitute' and perhaps subsidize the *forum*, and give it his name. In the same way the man who 'constituted' a *municipium* in the late Republic did not have to be a magistrate at the time.[1] (See Addenda.)

Much that is written on the *fora* of Cisalpine Gaul is, therefore, somewhat dubious. It cannot be inferred from the appellation 'forum' that the inhabitants were Romans (or Latins) at the beginning, though naturally they were citizens after 49. Nor can the dates of foundation be deduced from the names of founders, or from the dates when the roads on which they stood were built. Still less does a *forum* imply the existence of a military road from the time when it was constituted. Moreover, even if *fora* were always constituted by magistrates bearing the name after which they were called, they need not have been the men of that name whom we know to have been active in Cisalpina. It is plausible to believe that a high proportion of the consuls whose provinces are unknown after 167 were assigned to Italy, i.e. to Cisalpina,[2] and some of these men are just as eligible to be considered the founders of *fora* as homonymous consuls of the period before 167 for which we have Livy's record, or perhaps more eligible, as the development of trading centres is more likely to have occurred after rather than during the work of pacification. I shall now review the *fora* named after Roman families of note with these considerations in mind.

Forum Livii (Forli) on the Via Aemilia.[3] Miss Ewins ascribed the foundation to C. Livius Salinator, consul 188, who campaigned in Cisalpina.[4] He held office one year before the building of the Via Aemilia. In order to connect the *forum* with some road as early as 188, she associates the foundation with a hypothetical cross-road over the Apennines through Mevaniola. If such a road was built at all, it is unlikely to have antedated the Via Aemilia, whose strategic necessity was far greater. The most natural view is that in so far as the origin of Forum Livii is to be connected with any road, it is to be connected with the Via Aemilia. The date 188 seems in any case much too early. The fortress-colony of Bononia had been founded in 189, but there was as yet no other recorded settlement, and none is likely in an area so insecure. Miss Ewins speaks of Forum Livii as 'a defensive bastion covering Ariminum and protecting communications'. That might be a good description, if the place had been a colony or *castellum*, but it is inappropriate for a *forum*. Perhaps the consul of 188 established a *praesidium* here which in

[1] e.g. Caes. *BC* i. 15. 2: 'Cingulo, quod oppidum Labienus constituerat suaque pecunia exaedificaverat'; the founder of a *forum* too probably spent money on it. Cf. p. 712.

[2] Appendix 10.

[3] Livy xxxix. 2. 10.

[4] Ewins I. 54 ff. I take the facts on centuriation from her. See also Toynbee ii. 662 f. (equally mistaken). For tribes see Taylor, *VD* ch. 14. For Livius Salinator's death see Livy xliii. 11. 13.

more peaceful times became a *forum* still called after him. But the place may be named after another Livius. No province is recorded for C. Livius Drusus, consul 147, who is therefore likely to have operated in Italy (Appendix 10). Alternatively, the activity of Livius Salinator had made the family hereditary patrons of the district, and it was to him as patron, but after 188—he died in 170—or more probably to another Livius that the place owed its name. Unlike nearly all Roman communes in the area, Forum Livii was not in Pollia, but like Mevaniola in Stellatina. The most natural explanation is that the inhabitants were at first not Roman settlers at all, but Umbrians who spilled over from Mevaniola, when the area became safe and lands vacated by the Boii were there for the taking, and who were enfranchised along with the people of Mevaniola after 90. The absence of centuriation of the kind found generally on the Via Aemilia points in the same direction.

Forum Popilii is adjacent to Forum Livii southwards on the Via Aemilia. Ewins scouts the suggestion that it was founded by M. Popillius, consul 173, and rightly; he was preoccupied in Liguria. She ascribes it to P. Popillius, consul 132. A milestone bearing his name was found near Atria, and she conjectures that he built a road thither from Forum Popillii, and founded the *forum* on this occasion. However, Degrassi comments on the inscription that the mileage seems to indicate that the road started at Ariminum, not Forum Popillii;[1] Popillius' road must surely be that which in the third century A.D. ran 'recto itinere' to Ravenna, 33 miles distant,[2] which cannot have touched Forum Popillii but must have gone up the coast, as shown in the Peutinger Table. The only road then with which Forum Popillii can be associated is the Aemilian itself. Ewins may still be right in supposing the founder to be the consul of 132; it seems unlikely that a trading centre arose here until some time after the ending of the Gallic war; but we have to reckon also with the possibility that it was founded by C. Popillius, consul II in 158 or simply by a patron called Popillius at an unknown date. Who were the inhabitants? Ewins notes that here too the centuriation is not on the same orientation as that we find north-westwards in the area of undoubted Roman settlement on the Via Aemilia. Between the area of that centuriation and Forum Popillii there intervenes Forum Livii which was probably originally non-Roman. This is likely to be true also of Forum Popillii. The tribe is unknown, as is that of Caesena which lies between the *forum* and Ariminum. There is no ground for thinking that either place developed out of the viritane settlement of 173 associated with the tribe Pollia. Ewins conjectures that both Forum Popillii and Caesena were at first within the territory of Ariminum. If that be true, these towns may have grown up to serve the needs of scattered rural inhabitants within the Latin colony, perhaps Umbrians (cf. p. 540), whose presence in Forum Popillii has already been conjectured, and may have achieved independence of it in the time of Sulla. He cannot have been partial to Ariminum, which remained faithful to the Marians.[3]

Northwards of Forum Livii, with Faventia (a *conciliabulum*) intervening, we find *Forum Cornelium* (Imola). This was in Pollia and its territory was centuriated

[1] *ILRR* I. 453.
[2] *Itin. Rom.* 122 Wess., cf. the Peutinger Table.
[3] Cic. *Verr.* ii. 1. 36; App. *BC* i. 67, 87; but cf. 91.

along with other towns on the Via Aemilia probably at the time of the viritane assignations of 173. Toynbee supposes that it was founded by P. Cornelius Cethegus, consul 181, and associated with a road south-westwards across the Apennines.[1] There is no evidence that this existed now or later, and even if a *forum* implies a military road, we need postulate no such road other than the Via Aemilia. It is hard to believe that after the desolating war with the Boii, there was as yet any aggregation of population requiring a *forum* as early as 181. If it were founded so early, the inhabitants must surely have been non-Roman. Toynbee thinks that it must be *earlier* than the viritane assignations of 173, because other towns which arose from these assignations bore names derived from *numina* like Faventia. But it would be equally possible to assume that the *forum* obtained its name in a *later* period. The founder, if not a patron, might be one of the Cornelian consuls of 162, 160, 159, 156, 146, 138, 127, and 97, any of whom may have been in charge in this area; the Italian historians of ancient Imola conjecture that it owed its name to Sulla and may previously have been called Imula(e).[2] They too think that the town must be earlier than 173, on the ground that the centuriation of the *ager* and the town does not correspond, but it is more plausible to date it later; the site of the *forum* was probably that of a pre-Roman settlement. They say that the archaeological evidence points to economic and demographic regress in the area in the Gallic period and does not reveal any urban houses before the first century, when we also find substantial villas in the countryside; one might surmise that a Sullan date is not too late for a 'locus negotiationis'.

Further up the Aemilian road, between Bononia and Mutina, we find *Forum Gallorum*, attested by Cicero in 43 B.C.[3] and in the Peutinger Table. Toynbee thinks that the name suggests that it was constituted when the Via Aemilia was laid out.[4] I see no such suggestion; the name merely implies that its inhabitants were Gauls when it was founded: naturally it could only have been differentiated by this name when there were other inhabitants besides Gauls in the vicinity, i.e. after 173. There are some other grounds for believing that the Boii were not totally expelled from Bononian territory (p. 192). Ewins hesitantly identifies Forum Gallorum with *Forum Licinii*, which is mentioned only in Pliny's list of Aemilian towns.[5] Pliny ignores Forum Gallorum, but this can be explained not by equating the two, but by assuming that Forum Gallorum was not a separate *municipium* in the time of Augustus, but a place within the territory of Mutina or Bononia. On Ewins's view Forum Licinii must be the later title, and it is hard to see why it should have been abandoned for the older one. We must be content to know nothing of Forum Licinii. Ewins supposes its founder to have been C. Licinius Crassus, consul 168, but if we must look for a magistrate as founder, I should prefer a time when conditions had become more peaceful, e.g. in 116, or 95, when the consulship was held by C. Licinius Geta

[1] Toynbee ii. 667.

[2] F. Mancini, G. A. Mansuelli, and G. Susini, *Imola nell'antichità*, 1957, esp. ch. IV. Prudentius, *Peristephanon* ix. i, made Sulla the founder, but need not be well informed; on the other hand the argument against this, accepted in *RE* vii. 66 (Weiss), that the inhabitants were in Pollia, is worthless; if they were descended from the settlers of 173, they would be in that tribe, even though the *forum* was not built before Sulla.

[3] *Fam.* x. 30. [4] ii. 663 f. [5] *NH* iii. 115 f.

whose province is unknown, and L. Licinius Crassus who campaigned against Alpine tribes and is conjecturally credited with another *Forum Licinii*, obviously non-Roman, in the territory of the Orombovii (whose chief centres were Comum and Bergamum).[1]

On the road beyond Mutina we come to *Regium Lepidum*, which Festus calls Forum Lepidi.[2] The founder was certainly M. Aemilius Lepidus, consul 187, 175; Ewins reasonably conjectures that the title 'Regium' derived from Lepidus having been the tutor to king Ptolemy V. Lepidus is recorded to have built the great Via Aemilia from Ariminum to Placentia in 187, and a second road from Bononia to Aquileia is credited to him by Strabo; it ran presumably by way of Hostilia and Patavium.[3] The date of this must be 175, when he was again campaigning in Liguria, but need not have been occupied there for the whole year. The *forum* can surely not be earlier than the viritane assignations of 173. If it were antecedent, the *forum* must initially have been non-Roman, but in the disturbed conditions of the time—the Ligurians captured Mutina in 176[4]—there can have been no occasion for a 'locus negotiationis'. Ewins's conjecture that the *forum* was the starting-point of a road is unwarranted; moreover the second Via Aemilia started at Bononia, and there is no evidence for a third. It seems to me that we have here a virtually certain instance in which a *forum* took the name of a patron who was not at the time magistrate in the region. Lepidus died only in 152, and this is the *terminus ante quem* for Reggio.[5]

Forum Druentinorum is located by Ewins 'south of Parma, where there was an ancient road running over Mons Bardonis' on or near the site of the modern Terenzo, whose name 'plausibly derives from "Druentinorum" '. Near by, at Fornovo Taro on the Parma–Luna road, she places *Forum Novum*, which is not mentioned by Pliny; she equates it with the unidentified *Forum Clodi*, which he does name among the Aemilian towns. She remarks that the Peutinger Table records a Forum Clodi between Luna and Luca, i.e. in Etruria, not Aemilia, and conjectures that the Aemilian town was distinguished from it as Forum Novum; this name is found in an imperial inscription.[6] That may be right; on the other hand it may be that Pliny ignores Forum Novum because in Augustus' time it was not a *municipium* and that after all there were two Clodian *fora*; there was also another Forum Novum 20 miles south of Terni, so that it would have been rather maladroit to have renamed a Forum Clodi by this title, in order to avoid confusion. Toynbee has criticized Ewins's location of Forum Druentinorum on two grounds; Terenzo is not on the road, and is too near to Forum Novum to have been needed.[7] These objections are not valid. The rule that a *forum* must be on a road is a modern invention and too absolute, and do we know the exact line

[1] *NH* iii. 124; the citation from Cato's *Origines* need not imply that the *forum* existed when he wrote.

[2] 332 L.

[3] v. 1. 12; he makes the first road go only to Bononia, but cf. Livy xxxix. 2. 10; the implication in his words that the second road too dates from 187 indicates a misconception.

[4] Livy xli. 14. 2.

[5] Lepidus was among the commissioners for the foundation of Mutina and Parma (183) and of Luna (177) and for the viritane assignations of 173, see *MRR* for his career; it is just possible that Regium belongs to 173.

[6] *CIL* xi. 1059.

[7] ii. 670 f.

of the Roman road from Parma to Luna? It is true that Terenzo is only some 10 kilometres distant from Fornovo, but the modern road ascends some 580 metres between Fornovo and a point adjacent to Terenzo; and it is easy to understand that the inhabitants needed a more accessible market. Toynbee guesses that the Druentini were Picentes settled in the territory of Ariminum and that their *forum* may have been the later Caesena; this conjecture is out of court, as Pliny mentions both places! The date of Forum Druentinorum and that of Forum Novum are alike unknown, but the first at least was plainly non-Roman, and I doubt if Roman settlement in 173 extended up the valley of the Taro to Fornovo.[1] As for Forum Clodium in Aemilia, if we wish to distinguish it from Forum Novum and to find a magistrate as founder, we have a choice between M. Claudius Marcellus, who was active in north Italy as consul in 166 and 155, Appius Claudius, consul 143, who is also known to have had Italy as his province, or perhaps Appius Claudius, suffect consul 130, or C. Claudius, consul 92, whose provinces are unknown.[2]

Forum Fulvii lies in Liguria on the Dertona–Pollentia road within a region where there was extensive enrolment in Pollia, to which the *forum* itself belonged.[3] This settlement can hardly be earlier than the viritane assignations of 173, and the *forum* (if originally Roman) cannot then be ascribed to Q. Fulvius Flaccus, consul 179 (as Pais held);[4] not only is no Roman settlement recorded then, but north Italy was surely too insecure for it, except in the form of a fortified colony. After conquering Ligurians (not necessarily in this area) Flaccus 'deditos in campestris agros deduxit',[5] and might have provided them with a trading centre in their new homes; it might be supposed that this was the original (non-Roman) Forum Fulvii. So early a date is rejected by Ewins on the ground that we cannot postulate a road from Dertona to Pollentia before the Via Postumia of 148[6] connected Genua with Dertona; if a road were necessary to a *forum*, this argument would be decisive, but a route normally followed by soldiers and traders could, and doubtless normally did, precede a military road. We are not therefore compelled to place the *forum* after 148, and the possibility also exists that it was founded by M. Fulvius Nobilior, consul 159, whose province was Liguria. Ewins favours attribution to M. Fulvius Flaccus, consul 125, who assisted Massilia against the Salluvii and Vocontii in Provence;[7] she also supposes that he built a road on which it lay and labels it without evidence the Via Fulvia. This view cannot be excluded, though it is a mere speculation that Flaccus was active in Cisalpine Liguria at all. Nor need we think that if he was the constitutor of Forum Fulvii he had settled land-hungry Romans there;[8] rather, he might simply have organized a trading centre for the descendants of the settlers of 173, just as Vibius Pansa as proconsul in 45 presumably organized another such centre at

[1] Somewhat later, this might be conceded.

[2] Toynbee ii. 669 points out that Ligurians in this area had to be subdued by Marcellus in both these consulships and opts for the second as the date of Forum Clodii; I should rather infer that it is later still.

[3] Pliny, *NH* iii. 49, refers to 'Foro Fulvi quod Valentinum'; on this see Ewins I. 67.

[4] *Dalle guerre puniche* 646. [5] Livy xl. 53.

[6] *ILRR* 452 fixes the date. [7] *Per.* Livy 60; *Acta Tr.*

[8] *Contra* Toynbee ii. 672 ff.; the texts he cites in 673 n. 6 on Flaccus' work as land-commissioner are totally irrelevant.

Forum Vibii;[1] there is as much and as little reason to father a road or new land distributions on Pansa as on Flaccus.

In general the dating of roads and *fora* cannot be closely correlated; what the foundation of a *forum* implies is the presence of a settled and secure rural community large enough to require a trading centre (which was naturally placed on a line of traffic, and where this existed, on a paved road). Judged by this criterion, many of the dates proposed for the creation of *fora* in Cisalpina are much too early. It also seems to me that the names of many *fora* in this region show that they were not originally founded for the benefit of Italian immigrants; they could just as well be centres for the survivors of the pacified native inhabitants.[2]

[1] Forum Vibii (Pliny, *NH* iii. 117) is usually and no doubt rightly ascribed to C. Vibius Pansa, proconsul of Cisalpina in 45.

[2] Not too much weight must be placed on registration in Pollia. Apparently the settlers of 173 were placed in this tribe. But it would have been quite natural to assign natives resident in the same district to Pollia, once they were enfranchised. Forum Germa[norum] or Germa[nici] and Forum Iuli Irienaium (perhaps due to S. Iulius Caesar, consul 157) were probably non-citizen settlements at the start.

12. THE SUPPOSED SETTLEMENT OF MARIAN VETERANS IN AFRICA

THE evidence for such settlement is this. (1) The *Liber de viris illustribus* 73 says that Saturninus as tribune (probably in 103 rather than 100) 'ut gratiam Marianorum militum pararet, legem tulit ut veteranis centena agri iugera in Africa dividerentur'. (2) Perhaps under this law, and certainly about the same time, Caesar's father 'colonos Cerce[inam deduxit]'.[1] (3) Under the Principate Uchi Maius was styled 'colonia Mariana', and Thibaris 'municipium Marianum', while Thuburnica was to hail Marius as 'conditor coloniae'.[2] The inscriptions cited under (2) and (3) have usually been taken as confirmation that Saturninus' law was carried out.

Among the scholars who do not doubt that Marius settled veterans in Africa Teutsch took a path of his own in denying that the settlement was authorized by Saturninus' law.[3] He stressed the breach between Marius and Saturninus at the time of the latter's death, and assumed that all Saturninus' laws were annulled. But the connection between Marius and Saturninus seems to have been broken only when Saturninus resorted to excessive violence in 100, and the view that all his laws of 100 were annulled has been refuted by A. Passerini;[4] in any event there is no reason to think that the senate quashed a law of 103, the date to which the agrarian measure is probably to be referred. Teutsch holds that Marius settled veterans without any formal authority; this would be hard to credit.

Teutsch also refused to believe that there was a Marian colony on Cercina, and rejected the supplement 'Cerce[inam]' in the inscription cited above, without proposing an alternative.[5] His arguments were not cogent. (*a*) He pointed out that Caesar's father, like all the Julii, took part in suppressing Saturninus.[6] But so did Marius. (*b*) He argued that Cercina belonged at least *de facto* to the Numidian kings, with whom Marius was on friendly terms. But the text cited to show that Cercina was Numidian indicates that in 88 Marius was able to take refuge on the island from the Numidian king.[7] Teutsch's argument is also inconsistent with his own belief that Marius established Italian settlements within the Numidian kingdom. (*c*) He thinks the island was unsuited for a settlement; however, it is clear from the evidence he cites himself that there was a town there. It is true that since Pliny calls it an 'urbs libera'[8] the colony apparently failed to survive. In my view this abortive colony is the only one which can be connected with Saturninus' law, and there is no other good evidence for Marian settlement in Africa.

[1] *Inscr. Ital.* xiii. 3, no. 7. [2] *ILS* 1334; 6790; *AE*, 1951, 81.

[3] Teutsch 7 ff. His work cites most previous discussions, but disregards Gsell's solution, though he notes that some Gaetulians owed citizenship to Marius (26 f.).

[4] *Athen.* xii, 1934, 350 ff., unsuccessfully challenged by E. Gabba, ibid. xxix, 1951, 12 ff.

[5] 12 ff. [6] *Rab. perd.* 21. [7] Plut. *Mar.* 40 at end.

[8] *NH* v. 41. (*Contra* Wilson, 47 f., *B. Afr.* 34 does not show that Cercina *grew* much grain.)

It has always been a difficulty for the usual hypothesis that Uchi and Thibaris lie beyond the *regia fossa* which still delimited Africa Vetus from Africa Nova in the time of Vespasian, as it had delimited the original province from the kingdom of Numidia before the latter was annexed by Caesar in 46.[1] It was, however, supposed by Frank,[2] Broughton,[3] and others that after Jugurtha's defeat the old province was extended to include Uchi, Thibaris, and other neighbouring places in which they thought Marian veterans were settled. But they wrote without knowledge of the inscription from Thuburnica. This is just as good evidence for a Marian settlement as the inscriptions from Uchi and Thibaris. Now Thuburnica lies west of Bulla Regia, which was Numidian in 81.[4] The Marian affiliations of these towns should then not be taken as proof that the frontier was extended beyond the *regia fossa*, a hypothesis that was never plausible.

Romanelli and Teutsch reject Frank's hypothesis, but try to save the theory that veterans were settled in these places by supposing that they were actually given lands within the Numidian kingdom. Romanelli suggests that some royal lands were declared *ager publicus* after Jugurtha's defeat, and that veterans were settled there.[5] Certainly neither Uchi nor Thuburnica became properly colonies at this time; Thuburnica first secured the title under Caesar or Augustus,[6] Uchi under Alexander Severus,[7] and Thibaris was only a Marian *municipium*.[8] Romanelli therefore conceives that we must think of viritane assignations. The parallel he adduces of Augustan colonies within the client kingdom of Mauretania[9] is thus not just. It is much easier to see how self-governing colonies could have enjoyed extra-territorial status (under the remote supervision of the nearest proconsul) than to ascribe this condition to scattered peasants. Romanelli also cites Saturninus' project of distributing land in Gallic territory which the Cimbri had taken from the Gauls.[10] But much too little is known of this; we cannot assume that it concerned lands beyond the bounds of the Transalpine province, and some think that it was in Cisalpina that Saturninus intended to settle veterans. In any event the project was not fulfilled. And in Cicero's speeches *de lege agraria* there is no mention of any Roman public lands within Numidia.

Teutsch seeks to fortify his thesis by remarking on the fertility and strategic importance of the region in which the three Marian towns were situated.[11] These characteristics would make the settlement of veterans there easily intelligible, if the region had been annexed. Teutsch aggravates the difficulty of believing in these veteran quasi-colonies by assuming that they were not only founded without authority from Rome but that they were not even under the jurisdiction of the proconsul.[12] Who was to be responsible for their defence and for the maintenance of law and order? To speak of their being in the clientship of Marius completely mistakes the extra-legal role of the patron, and his inability to perform in these respects the functions of a governor with *imperium*.

[1] *NH* v. 25, cf. Romanelli, ch. iv. with pp. 295 f.
[2] *AJP* xlvii, 1926, 61 ff.
[3] *Romanisation of Africa Proconsularis*, 1929, 32 ff.
[4] Oros. v. 21. 14.
[5] Romanelli 82 f.; 103 ff.
[6] Vittinghoff 112. 3.
[7] Romanelli 444; Teutsch 24 thinks it may have gained the title of colony from Augustus and then lost it, pure speculation.
[8] *ILS* 6790 (Diocletian).
[9] *NH* v. 2 (attesting jurisdiction of proconsul of Baetica).
[10] App. *BC* i. 29, cf. Gabba, ad loc.
[11] 10 f.
[12] 11 f.

Gsell held that the Marian settlers in Numidia were probably Gaetulians, to whom Marius is known to have granted lands, though not (he thought) Roman citizenship.[1] This seems to me the best solution. One may compare the native towns organized in Spain by the elder Gracchus and D. Iunius Brutus, the synoecism of Comum by Pompeius Strabo, and the drafting of Sicilian 'coloni' to Agrigentum and Heraclea by Roman governors.[2] It is also very unlikely that Thibaris and Uchi would have been left so long without the status of colony or *municipium*, if either had had a nucleus of Roman citizens since about 100 B.C. It was Gaetulians who deserted to Caesar because of their connection with Marius; we hear nothing of the descendants of Italians settled by Marius doing so, and indeed nothing of their rallying to Marius himself in 88 (cf. p. 580 n. 2).

The view rejected by Teutsch[3] that Thuburnica (and the other towns) claimed a Marian origin in the Principate to enhance their prestige with the claims of antiquity seems to me right. Teutsch is mistaken in thinking that such 'Namenprunk' is inconceivable because it would have been pointless.[4]

Teutsch draws attention to a peculiarity of imperial Thuburnica, that its citizens belonged to several tribes, whereas a colony usually had a single tribe.[5] He supposes that they inherited the tribes to which they had individually belonged when settled by Marius. (One may note that the magnate who made the dedication to Marius as 'conditor coloniae' is held by Teutsch to have been of a family originating in Bononia or Umbria;[6] in that case his Marian ancestor would not have been a Roman citizen and would not have had a tribe.) If Teutsch's explanation of the tribes of the Thuburnicenses were right, one would expect the same variety in other Marian settlements; but he admits that Uchi Maius and Thibaris belonged to Arnensis.[7] Kubitschek thought the same true of Thuburnica. It could be assumed that Romans resident there with other tribes had immigrated into the place. This argument of Teutsch has no weight.

Both Thuburnica and Uchi Maius, but not Thibaris, are included by Pliny in his list of 'oppida civium Romanorum'.[8] Unlike most scholars, Teutsch holds that this list depends on a source earlier than 46 B.C.[9] All the towns listed are, or may be, in the same region, and Teutsch held that all were *pagi* of Marian settlers, or perhaps also of Italian *negotiatores*. This interpretation of Pliny is examined and rejected in Appendix 13. It does seem likely that the towns were (or comprised) *pagi* of Roman settlers, but not that the source on which Pliny drew is antecedent to 46 B.C., nor that the settlers were of Marian origin.

There is thus no sound evidence for Roman settlement in Africa under Saturninus' law outside Cercina, where Marius sought refuge in exile, and even there the colony did not survive. It is extremely unlikely that the law was carried out on any extensive scale. It is a natural assumption that faced by the Cimbric crisis Marius brought most of his troops home in 105 (sick and wounded might have been left behind), even though he may have preferred to use the men trained by Rutilius.[10] The persistence of the northern danger must have inhibited

[1] *Hist. ancienne de l'Afrique du Nord* vii, 1928, 10. Cf. *B. Afr.* 56. 4 with 32. 3, 35. 4.
[2] p. 215 n. 8. Cf. Strabo v. 1. 6; Cic. *Verr.* ii. 2. 123; *Per.* Livy lv.
[3] 20 f.
[4] See Gell. xvi. 13.
[5] 21 ff.
[6] 19.
[7] 24 f.
[8] *NH* v. 29.
[9] 27 ff.
[10] Frontinus (?), *Strat.* iv. 2. 2.

settlements abroad until 100, whatever the date of Saturninus' law, and the reaction against the tribune's policies towards the end of that year would have made it hard to effect the settlements intended to any great extent in Africa, any more than elsewhere.[1] Marius of course had friends and clients in Africa; if he fled there in 88, it was probably because of a misplaced reliance on the Numidian king. He found no local Italian partisans.[2] And Metellus Pius also found refuge in Africa during part of the period of Marian predominance in Italy from 87 to 83. Later he was patron of the province.[3] True, it was in Africa that the Marians made their last, desperate stand in 82–81.[4] Or almost their last: Sertorius held out in Spain. There is no reason to think on the basis of these events that there was a stronger nucleus of Marian colonists in Africa than in Spain.

[1] Cf. Cic. *Balb.* 48.

[2] Plut. *Mar.* 41 says that in 87 Marius took to Italy with him some Moorish horse and 'some persons who were being carried [to Africa] from Italy' (*τῶν δεῦ τῆς Ἰταλίας τινὰς καταφερομένων*), obviously not residents.

[3] Ascon. 87 C.

[4] On events 88–81 see Romanelli 90 ff. (It is highly implausible to think with Teutsch that natives distinguished between Marian Italians whom they liked and non-Marians, whom they did not (pp. 39 ff., 50).)

13. PLINY ON AFRICA

IN his description of Africa (*NH* v. 22–30) Pliny gives an incomplete enumeration of towns under various categories.[1] He recognizes only 6 colonies (29), viz. Cirta Sittianorum and Sicca (22), Carthage and Maxula (24), and Uthina and Thuburbo (Minus) (29), and 15 *oppida civium Romanorum*, viz. Thabraca (22), Utica (24), and 13 others which are given in adjectival forms (e.g. Assuritanum) and in alphabetical order (29). He also gives a total of 30 *oppida libera* and then lists 18 in the same adjectival form (29); elsewhere he names Bulla Regia (22), Clupea, Curubis, Neapolis (24), and 9 other towns (25), making a total of 31; it would seem likely that he miscounted, rather than excluded Sabrata for unstated geographical reasons.[2] Other towns are simply called *oppida* (22, 24), but Theudalis is *oppidum immune* (23), and he refers to the *oppidum Uzalitanum* with Latin rights and to Castra Cornelia as stipendiary (29).

Romanelli distinguishes three theories on Pliny's sources which have been adopted to explain this description.[3] Cuntz held that he drew on an official document between 25 and 12 B.C., Detlefsen that it was dated after 7 B.C., and Barthel that Pliny took account only of Augustus' provisions for Africa. The first two theories evidently fail to account for the fact that Pliny treats as *oppida* of one kind or another towns that had become colonies as early as 45 (Clupea) or at any rate in the triumviral period (Carpis(?), Curubis, Hippo Diarrhytus, Neapolis). These hypotheses must be excluded. On the last view Pliny was concerned only to note as colonies those which Augustus had founded as such; the inclusion of Carthage can be explained on the ground that he refounded it in 29,[4] and the omission of other Augustan foundations by assuming that they were later than the source Pliny followed. Pliny says in his description of Italy that he will follow in general Augustus' enumeration of towns 'coloniarum mentione signata quas ille eo prodidit numero', and to judge from his practice this means that he intended to note only as colonies those founded by Augustus; in fact he is not fully consistent in his Italian lists.[5] It might be then that he intended to adopt the same practice for Africa. This, however, fails to explain how it was that he actually classed pre-Augustan colonies merely as *oppida*, implying that they lacked Roman citizenship. This seems to show that except with regard to Augustan colonies he was following a source which described Africa as it was before Caesar's colonial foundations.

This is the view recently advanced by Teutsch.[6] He remarks that the adjectival and alphabetical lists of towns in 29 should derive from a common source, and that among the *oppida libera* named there is a second Vaga (the first is an *oppidum c. R.*) which must be identified with the town of that name sacked in 46 B.C.;[7] there is no evidence that this town was ever restored, and on this ground he

[1] For Caesarian and Augustan colonie sin Africa see Appendix 15.
[2] *Contra* Teutsch 90.
[3] 189 n. 1.
[4] See Appendix 15, no. 37.
[5] iii. 46, see Appendix 17.
[6] 27 ff., esp. 34 ff.
[7] *Bell. Afr.* 47.

dates both lists to a source earlier than 46. However, other towns are known by name to have existed in Africa of which there are no other records, and a town did not necessarily cease to exist because we cease to hear of its existence. It might seem odd that no efforts should have been made to gather together the survivors of Vaga and restore their town, when they had suffered at the hands of Caesar's enemies. In fact, those sufferings might explain precisely why Vaga was an *oppidum liberum*; *libertas* was a reward for the part it had played in the war. It is extremely hard to see what should have prompted the senate to have granted the privilege to Vaga or to the other towns named; such generosity is more characteristic of Caesar.

Teutsch uses his dating of the lists in v. 29 both to support the hypothesis that Marius had established quasi-colonies in Numidia and to add to their number; on his view the 13 *oppida c. R.* listed here are of this origin, though he allows that they may in part be settlements of *negotiatores*, *conventus c. R.* (see *contra* Appendix 12). He thinks that Thabraca and Utica are classed as *oppida c. R.* simply because in 46 they contained *conventus c. R.* His further contention that the *beneficium* Utica received from Caesar under a Lex Iulia of 59 was the Latin right is irrelevant, but also unwarranted; had this been the case, we might have expected Caesar to be more explicit; Caesar in fact refers to *beneficia*, which might have been of many kinds.[1] But, though there is no ground for thinking that Utica had acquired the Latin right, it was certainly a free city, with its own senate, and was pro-Caesarian in the civil wars at a time when the local *conventus* was Pompeian.[2] The description of such a place as 'oppidum civium Romanorum', just because there was an important community of Roman residents, seems to me an inconceivable misnomer, nor is it easy to see why other African towns, in which there were to be found *conventus* less in importance only than that of Utica, such as Zama, Thapsus, and Hadrumetum,[3] should have been denied the same title by Pliny's source.

For coastal towns Pliny followed a *periplous* in his description of Italy and other provinces, and it is only in his references to such towns in Africa that his statements are flagrantly out of date for the time of Augustus. Carpi, Clupea, Curubis, Hippo Diarrhytus, and Neapolis were all on the coast. The *periplous* must have been written before these places became colonies, or itself have depended on an out-of-date source. But it may be asked: how comes it that other coastal places, Carthage, Utica, and Thabraca, are correctly classed as Roman? We can only reply that in these instances Pliny corrected the information in the *periplous* from his own knowledge, but did so unsystematically. Carthage and Utica were places of renown: it is more mysterious that he should have brought his source up to date on Thabraca. For towns in the interior we should expect him to have followed the Augustan *formula*. Teutsch himself believes that in general, and for

[1] Caes. *BC* ii. 36, cf. *Bell. Afr.* 87. 3; Teutsch 56. Cf. perhaps Cic. *Vatin.* 29. The *beneficia* might include hospitality to Utican envoys or dispositions relating to Utican land (cf. *FIRA* i², no. 8. 81), but speculation is unprofitable. Vittinghoff, *Gnomon* xl, 1968, 591, points out that Cicero shows Utica to have been only 'amica et libera civitas' in 54 (*Scaur.* 44 f.). I would also reject Teutsch's view that Uzalis had the Latin right before Caesar (p. 97); here too Pliny uses an adjectival form, but the source which he drew on where he uses this form need not refer to conditions before 46.

[2] *FIRA* i². 8. 79; *B. Afr.* 87–90. [3] *B. Afr.* 97.

Mauretania in particular, he drew on the *formulae provinciarum*;[1] it would be an inexplicable exception if he departed from this practice altogether in describing Africa. Hence the best view is that he listed coastal towns from a pre-Augustan *periplous*, which he intermittently corrected, but that the alphabetic and adjectival lists of towns in v. 29, like similar lists of Italian towns,[2] come from an Augustan document.

[The noun 'oppidum' can mean (*a*) a stronghold; (*b*) an urban settlement within a commune (*civitas*) contrasted with the *ager* (there might be more than one in its territory); or (*c*) the commune itself, as when Pliny calls Italian communes other than colonies 'oppida', or includes both Roman colonies and *municipia* in Spain within his totals of 'oppida' (cf. Kornemann, *RE* xviii, 708 ff.). So, when he writes of a provincial 'oppidum c.R.' like Gades (iv. 119), he can and must mean that it is a *municipium*; Gades was certainly included in his total of Baetican *municipia* (iii, 7).[3] It is incredible that he ever so described a commune in this way, simply because an important element in the urban population of its centre consisted of a 'conventus c. R.', when the local citizens were still *peregrini* enjoying local autonomy, and even as at Utica a privileged relation to Rome. Moreover, a peregrine commune, previously self-governing, must from the very moment of its enfranchisement have had the powers of its local government at least provisionally regulated, and so could be described as a *municipium*. However, the 13 African 'oppida c. R.' listed in v. 29 were mostly small, and otherwise almost or quite unknown, though Assuras, Simitthu, and Thuburnica became colonies under Augustus (App. 15, nos. 36–9); they may have been mere *pagi* of Roman citizens with a parochial organization, associated with native *civitates*, such as we find in second-century Africa, and with 'castella' for security, so that they were 'oppida' in the first sense. Teutsch's account of them is fundamentally sound, except that they need not be dated before 46, nor traced back to Marius. Thabraca, ultimately a colony (App. 15, no. 43), might have once belonged to this class, or been at first a *municipium* like Tingi (ibid., no. 61).]

Pliny lists 13 such 'oppida' in v. 29. Many were small places, otherwise almost or quite unknown. Assuras, Simitthu, and Thuburnica, and perhaps one other of these places, became colonies under Augustus (Appendix 15, nos. 46–9). Others were never promoted at least until Caracalla bestowed citizenship on all the provinciala. We can only explain Pliny's description of them on the hypothesis that Roman citizens were settled in them in *pagi* of the kind still found in second-century Africa, with their own organizations distinct from those of the native *civitates*.[4] For security they would have had *castella*; hence they were 'oppida' in the first sense of the word. Teutsch's account of them is fundamentally sound, except that there is no need to follow him in dating them before 46, or ascribing their origin to Marius.[5]

[1] Teutsch 193, 217.

[2] Pliny iii. 51; more commonly he writes Arretini etc., or Faesulae, etc. (iii. 52).

[3] Pliny uses the term *municipium* only twice (iii. 7; iv. 119); clearly the *oppida c. R.* in his list for Tarraconensis, other than colonies, were *municipia* (iii. 18). Cf. Vittinghoff 75 n.6.

[4] See the good account by Teutsch in *RIDA* viii, 1961, 295 ff.

[5] Perhaps many of the citizens settled in these *pagi* were Africans recruited for legions formed locally after 44, see Appendix 29.

14. PLINY ON SPAIN

IT has been shown that Pliny's description of the Spanish provinces is based on mid-Augustan *formulae provinciarum*.[1] For *Baetica* (*NH* iii. 7) Pliny gives 9 colonies, which he identifies (Appendix 15), 10 *municipia*, and 27 towns which had received the Latin right 'antiquitus', i.e. before Vespasian conferred it on the whole of Spain (iii. 7); unfortunately he identifies only 2 of the towns in the second category (Gades and Regina) and 3 in the third. For *Lusitania* (iv. 117) he gives 5 colonies, 1 *municipium*, and 3 towns 'Lati antiqui', all of which are named. For *Tarraconensis* his totals are 12 colonies, 13 *municipia*, and 18 old Latin towns (iii. 118). Of the colonies he identifies only 10 [which already enjoyed this status under Augustus; in this instance he seems to have included in his total 2 cities which had been promoted later; the Vespasianic Flaviobriga is so designated in the manuscripts, and it is palaeographically easy to insert 'colonia' before Clunia in the text; its colonial status, attested under Hadrian, presumably went back to Galba, since it had the *cognomen* Sulpicia. Cf. pp. 592 f. under 30 and 31.]. Of the 13 *municipia* he identifies 10 clearly, and we can add with some probability two more (Appendix 16). He also names 16 of the 18 Latin communities.

The main uncertainty left by Pliny clearly concerns the identity of the 10 *municipia* and 27 Latin towns in Baetica. Mrs. Henderson notes that (1) 23 towns named by Pliny have titles with an 'unmistakable colonial ring' (e.g. Augurina, Iulienses, Martialium, Castrum Iulium), of which 13 are connected with the Iulii; (2) 4 other towns (one 'Iulium') have titles in the neuter appropriate to *municipia*; (3) Gades (Iulium Augustum) and Ilipo (cognomen corrupt) have titles of the same kind; (4) of the 5 towns whose status Pliny records, 4 are among those which have such titles; (5) 11 of the towns with titles had citizens enrolled in Galeria, and must therefore have got municipal charters during or before the principate of Augustus. We can thus identify 29 of the 37 towns in Baetica with municipal or Latin rights on these grounds; to which we must add Regina, attested by Pliny as a *municipium*, and Italica. It remains, however, to determine which were *municipia*, and to whom, Caesar or the triumvirs or Augustus, any of these towns owed their privileged status.

Mrs. Henderson explains the feminine titles of many communities by the hypothesis that they took them when they received Latin colonial status and retained them even if they later became *municipia*; in a few instances the *cognomina* were changed to the neuter. On this view, Sexi Firmum Iulium, Ossigi Latonium, Obulco Pontificense, and Isturgi Triumphale should be among the *municipia* of Pliny's source; and adding Gades, Regina, and Italica (which is attested as a *municipium* on Augustan coins), we can identify 7 of his total of 10. Iliberris Florentini, the modern Granada, likely to have been important, and

[1] M. I. Henderson, *JRS* xxxii, 1942, 1 ff., cites previous writers. [Cf. Hoyos (cited p. 591) 322 ff.]

Sacile Martialium are attested as *municipia* (*CIL* ii. 1572, 2186), though not necessarily from Caesar's time, and might be among those missing, as might the old Latin town of Carteia (p. 206) and perhaps Ulia. Outside Baetica Bilbilis, called Augusta or Italica, and Dertosa Iulia[1] might also seem to illustrate Mrs. Henderson's hypothesis on nomenclature. She herself indeed refrains from identifying all the Roman *municipia* in Baetica, and her own contention, for which I can find no evidence, that Augustus restyled as Latin *municipia* communities which Caesar had entitled Latin colonies would, if acceptable, cut away the ground for holding that towns with neuter *cognomina* had necessarily become Roman. And Mr. D. Hoyos has pointed out to me that some of the feminine titles are patently nouns (as in Ulia Fidentia) or possibly adjectives agreeing with the feminine form of the town's name, rather than with *colonia*, e.g. Sagida Augurina or Bilbilis Augusta; similarly titles may be in the neuter to agree with a presumed name gender rather than because the certified or conjectural status of the town was that of a *municipium*. Mrs. Henderson's hypothesis thus seems too venturesome.

She also holds that the 29 towns in Baetica with titles all owed their status to Caesar and that that status was Latin; it was Augustus who promoted some of them to Roman. In view of Caesar's generosity with the Latin right in Gaul and Sicily, it would not be surprising *a priori* if he bestowed it freely in Spain. But his successors continued his liberality, and Mrs. Henderson herself holds that he was less liberal in other parts of Spain. She notes that in Tarraconensis only 4 communes had titles, of which one (Castulo) had been in Further Spain. (She overlooks Bilbilis, both titled and Augustan.) In Lusitania all the 3 old Latin communes have titles, as well as Olisippo. But so had Pax Iulia, which cannot be Caesarian. In Mrs. Henderson's view the grant of both Latin and citizen rights to untitled towns in Tarraconensis, as distinguished from Baetica and even Lusitania, was mainly due to Augustus. In this connection she cites the proof given by McElderry (*JRS* viii, 1918, 74 n. 3) that 15 towns obtained Latin rights in Tarraconensis (as against only 4 in Baetica, ibid. 69 n. 4) in the period between the construction of the *formulae* used by Pliny and the death of Augustus. Thus Augustus greatly extended the work of Caesar in Spain, and especially in Tarraconensis. Here Caesar had done little. Mrs. Henderson explains the difference by the strength of the Pompeian faction there (Caes. *BC* i. 61; ii. 18).

However, the name of Pompey counted heavily with the two legions Varro had commanded in Baetica (*B. Alex.* 58), one of which had been raised from provincials (*Caes. BC* i. 85. 6), and in 46–45 the Pompeians also enjoyed more support in Baetica. Though it was under compulsion that some unnamed towns went over to them (*B. Hisp.* 1), in general we hear only of Caesarian minorities in Pompeian towns, e.g. at Corduba (ibid. 2, 34), Ucubi (ibid. 20), Urso (ibid. 22), Hispalis (ibid. 35), Carteia (ibid. 37); the strength of the Caesarian party grew only when Caesar's victory became predictable (Dio xliii. 35), and even after it had been won, Munda and Urso stood sieges. At the end of his campaign Caesar bitterly reproached the people of the province for the ingratitude they had shown him, after the benefits he had conferred on them, in backing his

[1] Grant's conjectures on the dates of 'foundation coinages' (cf. p. 603) of Suguntum (158 ff.), Ilici (213 ff.), Nova Carthago (215 ff.) imply that these towns were Latin before becoming Roman *c.* 29 B.C. For Dertosa and Bilbilis, ibid. 158, 170.

enemies, as also for their perpetual hostility to Roman rule (*B. Hisp.* 42).[1] Dio xliii. 39 speaks of his punitive exactions from his opponents, i.e. from the majority of the provinciais. He adds indeed:

τοῖς δὲ εὐνοήσασί τινα αὐτοῦ σχοῦσιν ἔδωκε μὲν καὶ χωρία καὶ ἀτέλειαν, πολιτείαν τέ τισι, καὶ ἄλλοις ἀποίκοις τῶν 'Ρωμαίων νομίζεσθαι, οὐ μὴν καὶ προῖκα αὐτὰ ἐχαρίσατο.

Mrs Henderson says that the grants of lands and immunity 'clearly refer to the Julian *coloniae immunes*, such as Urso and Ucubi'. Now Urso was undoubtedly a Caesarian colony, and Ucubi may have been. But Urso was a settlement of Roman proletarians (Appendix 15), and the colonists are distinguished from the 'contributi' (Lex Ursonensis CIII), surely the native inhabitants who had fiercely resisted Caesar and who would not have been rewarded by being given full rights in the colony, but punished by the loss of self-government.[2] If Ucubi and Hispalis were founded or designed by Caesar, they were probably colonies of the same type. But Dio is not referring here to the grants Caesar made to immigrants from Rome, but to favours he bestowed on loyal Spaniards; it was to some of these that lands and immunity were given, to others citizenship. Mrs. Henderson holds that the grants of citizenship refer to individual enfranchisements. In the context it would perhaps be more natural to interpret Dio as referring to communities, but this should probably not be pressed; he may be rather inaccurately summarizing a fuller source; I am inclined to agree that he has in mind chiefly at least rewards bestowed on individuals who had taken Caesar's side, even in cities that were preponderantly hostile. It is on this basis that I should interpret the last clause. It seems hardly conceivable that after encountering such bitter opposition Caesar scattered the Latin right broadside, and that Dio is here referring, as Mrs. Henderson supposes, to grants of Latin colonial status. Rather, where a hostile city like Urso was punished by the confiscation of its land for the benefit of Roman settlers, the few local Caesarians were not only made Roman citizens but given rights within the new colony; as individuals, they became *coloni*.

Mrs. Henderson is certainly wrong in denying that Caesar granted municipal status to any Spanish town. Gades at least is an exception (Appendix 16).

Obulco Pontificense, Caesar's first base in 45 (Strabo iii. 4. 10), might also be a candidate for Caesarian enfranchisement, though it must be noted that the cognomen probably belongs to an Augustan colony in Mauretania, Rusguniae. A claim might also be made for Ulia, the only loyal town in the interior of Baetica (Dio xliii. 31) which 'deserved most highly of the Roman people' (*B. Hisp.* 3. 3). Its loyalty was commemorated in its cognomen Fidentia, whose feminine form need not show that it was first a Latin colony (*supra*). Unfortunately there is no

[1] Mr. Hoyos of Worcester College, Oxford, has suggested to me that in most cities many must have been neutral in sentiment. No doubt; but a city would probably have been judged by the activists who gained control. Mr. Hoyos also propounds the possibility that Caesar had extended Latin rights in 49. That cannot be gainsaid. But Dio xliii. 39 should not be taken to refer to a grant of Latin rights.

[2] Urso also backed Sextus Pompey in 44, cf. Grant 24 f.; the colonists cannot have been settled until he abandoned the place.

evidence for its status at any time. The position of Corduba remains puzzling. It seems to have lacked the title of colony in 48 (p. 215). It did nothing in 45 to merit higher status. Probably its elevation is later than Caesar's death. Outside Baetica, Vittinghoff made Olisippo a Caesarian *municipium*, but without evidence. The colonies of Tarraco and Nova Carthago may have been founded or planned by Caesar, and since neither had been implicated in serious resistance to him (but cf. *BC* i. 73, 78), and long intercourse with Romans may have done much to Romanize the people of these important coastal centres, we may believe that in these cases some at least of the old inhabitants were admitted to the same rights as the settlers. On the other hand Caesar's settlement of some veterans at Emporiae did not make the place a *municipium* at once, nor did it involve the immediate enfranchisement of the former inhabitants (Appendix 16).

Mrs. Henderson's attempt to infer from the *cognomina* of Spanish towns the grant of privileges by Caesar must be said to fail. Flowery titles could still be bestowed after Caesar's death, witness Cirta and Sicca (Appendix 15). The title Iulia, without Augusta, no doubt suggests, though it does not prove, that status was conferred before 27 (Chapter XV section i). But the triumvirs were not inactive in extending privileges; Tingi in 38 and Utica in 36 became *municipia*; and Antony even enfranchised all the Sicilians. It would be rash to affirm that they felt no need or incentive to favour Spanish communities. It is far more likely that Latinity was extended after 44 than in the immediate aftermath of the Munda campaign, at least in Baetica. It is also questionable whether Mrs. Henderson is warranted in arguing from Pliny's silence that few of the privileged communities of Tarraconensis had 'flowery titles', and that therefore they secured their privileges later than those in Baetica. Pliny ignores *cognomina* of Dertosa, Bilbilis, Calagurris, and Osca and does not fully give those of Barcino; there may be many more cases, unknown to us. If she is right in thinking that privileges were diffused earlier in Baetica, the explanation may be found in the higher degree to which that province was Romanized.[1]

In conclusion, only one *municipium* (Gades) and one colony (Urso) in Spain can be ascribed to Caesar with certainty. Perhaps he founded other *municipia*; and some other colonies (at least Hispalis, Ucubi, Nova Carthago, Tarraco, and Celsa) were probably his design (Appendix 15). Augustus can be fairly confidently credited with the colonies of Astigi and Tucci in Baetica, Ilici, Barcino, Caesaraugusta, and Libisosa in Tarraconensis and Emerita in Lusitania (a total of 7), and with conferring municipal rights on Bilbilis and Emporiae.[2] There is no adequate evidence that in Spain Caesar was liberal with Latin rights. It

[1] Strabo iii. 2. 15 said that the Turdetanians in the Baetis valley had given up their own language for Latin (doubtless he was thinking of the upper class), that most had become Latins, and had received Romans as colonists, so that they were almost Romans; he fails to distinguish Roman from Latin colonies. He had expatiated on the country's wealth, cf. Pliny iii. 7: 'Baetica . . . cunctis provinciarum divite cultu et quodam fertili peculiari nitore praecedit.' The resources of the land attracted enough settlers to promote Romanization.

[2] Dio liv. 23. 7 says that in 15 B.C. Augustus founded many colonies in Gaul (only Arausio, Valentia, and Vienna are possible) and Spain; 25. 1 refers to his grants of freedom and citizenship in these provinces during 15–14 B.C. *Some* Spanish colonies and *municipia* belong then to these years, e.g. Bilbilis and Ilerda (Grant 170 f., conjecturally).

is a mere possibility that the *municipia*, Olisippo, Ulia (?) and Dertosa, which had feminine titles, were at first Latin colonies; if so, we cannot say whether they received the *ius Latii* from Caesar or after his death, but we must postulate an interval of some years before their promotion, and it is then probably due to Augustus. In all other cases there is too little evidence (and sometimes none at all) to permit ascription of colonial or municipal status to Caesar, the triumvirs, or Augustus, except that Celsa was clearly founded by Lepidus, probably in accordance with Caesar's plans (Appendix 15).

15. LIST OF PROVINCIAL COLONIES

THIS Appendix is designed to provide supporting evidence for Chapter XV. The colonies are referred to by the numbers given. I have inserted the *cognomina* of colonies, in order that their significance for the purpose of dating may be seen. I have also cited Pliny's *Natural History* for each town he mentions, to make clear how many he lists; the special problems of his accounts of Spain and Africa are discussed in Appendices 13 and 14. I assume that Pliny followed the *formulae provinciarum* drawn up during Augustus' reign; the omission of a colony from his lists is sometimes a slip but may mean that the town attained colonial status after the date at which the relevant *formula* had been drawn up. In Sicily that *formula* is later than 21 B.C., but excludes one probably Augustan colony. However, for Africa he seems to follow for the coastal towns a *periplous* which ignored their status or was out of date, and to have interpolated other information only intermittently. I have not sought to cite under each town all the ancient evidence nor all the modern discussions, but only what is needed for my own purposes; more information can readily be found from Vittinghoff, or in other works named. Many precise attributions of date are made by Michael Grant on the basis of numismatic evidence, which he often interprets in a highly speculative way; even if he be right in identifying certain issues of coinage as commemorative of the foundation or restoration of a city and in dating these issues—and his arguments are often extremely conjectural—the commemoration need not have been in the same year as the foundation or restoration. For references to legions see Ritterling's article, *Legio*, in *RE* xii under the legions named.

GAUL

See Vittinghoff 64 ff.; 100 ff. Pliny gives no total of colonies.

1. *Narbo* (Pliny iii. 32). Founded in 118 as Narbo Martius; new *deductio* in 45 (Suet. *Tib.* 4. 1), evidently after the Munda campaign, in which the Xth legion took part (*B. Hisp.* 30 f.); 'colonia Martia Iulia Paterna Decimanorum'; an emporium for all Gaul, crowded with foreigners and merchants, but with fewer (local) citizens than (Latin) Nemausus, Strabo iv. 1. 6; 1. 12, cf. 3. 2.

2. *Arelate* (Pliny iii. 36), Iulia Paterna Sextanorum, founded in 45 (Suet., loc. cit.); the VIth legion also fought in Spain that year (*B. Hisp.* 12); an emporium, Strabo iv. 1. 6.

3. *Baeterrae* (Pliny iii. 36), Victrix Iulia Septimanorum, founded in 45, as only this hypothesis enables us to explain how Lepidus could reconstitute *three* veteran legions in Gaul in 43, the others being VI and X, cf. p. 483.

4. *?Valentia* (Pliny iv. 36), perhaps Latin at first, Roman at latest when Pliny wrote (*NH* iii. 36). Its history is probably like that of Vienna.

5. *Arausio*, Firma Iulia Secundanorum (Pliny iii. 36), triumviral, as Caesar had no veteran IInd legion. The ex-Pompeian IInd legion (p. 231) cannot be considered.

6. *Forum Iulii* (Pliny iv. 35), Octavanorum Pacensis Classica, founded after Actium, as the title Classica indicates.

7. *?Vienna* (Pliny iii. 36), Iulia Augusta Florentia, the metropolis of the Allobroges (Strabo iv. 1. 11); Vittinghoff 29 n. 3 classes it as Latin until the time of Gaius (it might owe the title 'Julia' to Caesar), but I think it more likely that it obtained citizenship with the titular rank of colony from Augustus and *ius Italicum* ('solidum civitatis Romanae beneficium') from Claudius (*ILS* 212). Pliny distinguishes Vienna as a (Roman) colony from Latin towns and does not indicate that he is drawing on a source later than that which he follows for the other Gallic cities.

8. *Lugudunum* (Pliny iv. 107), Copia Felix Claudia Augusta (originally Munatia); 'Claudia' indicates benefits received later from Claudius. Founded by L. Munatius Plancus (*ILS* 886) with Romans expelled from Vienna (*negotiatores?*) by the Allobroges at the time of their revolt in 61 (Dio xlvi. 50. 5, cf. Jullian, iii. 122). The authority for this colony given by the senate in 43 (Dio, loc. cit.) probably confirmed a plan of Caesar. Tac., *Hist.* i. 65 refers to the *colonia* as 'pars exercitus', with reference perhaps to the urban cohort stationed there in the Principate, perhaps to a later settlement by veterans; Plancus can have had no veterans to settle in 43, when he (*Fam.* x. 11. 2), like all generals, was calling up even the soldiers already discharged. But conceivably some of Caesar's proletarian *émigrés* were to be given homes in this commercial centre.

9. *?Raurica* (Pliny iv. 106), later Augusta, yet founded in 43 by Plancus (*ILS* 886).

10. *?Noviodunum* (Pliny iv. 106), Iulia Equestris. Perhaps settled by Gallic auxiliaries.

The strategic importance and links of 8–10 are discussed by Vittinghoff 68 f. and by P. Stähelin, *Die Schweiz in der röm. Zeit*², 1948, 91 ff., who argues that Gauls were enfranchised at Raurica.

Other colonies in Narbonensis are regarded by Vittinghoff as Latin. The classification by Pliny of Raurica and Noviodunum as colonies seems to show that they were Roman, not Latin.

BAETICA

Pliny iii. 7 gives a total of 9 colonies; they are identifiable, cf. Appendix 14. See Vittinghoff 72 ff., 104 ff.

11. *Corduba*, Patricia (Pliny iii. 10). Strabo iii. 2. 1 attests its prosperity and says that, founded by M. Claudius Marcellus (152 B.C.) with Romans and picked natives, it was the earliest colony in Spain; but it may not have attained the colonial title before Augustus, cf. p. 215.

Vittinghoff 73 ff. refers the following colonies in *Baetica* to Caesar:

12. *Hispalis* (Pliny iii. 11), Iulia Romula. Strabo iii. 2. 1 says that soldiers of 'Caesar' had recently been sent there, and that it was a trading settlement. The veterans may be Augustan, perhaps of V Alaudae and X Gemina, and the Caesarian settlers (Isid. *Orig.* xvi. 1. 71) civilians, cf. Henderson, 13; it was a great trading centre (Strabo). See C 32.

13. *Urso*, Genetiva Iulia Urbanorum (Pliny iii. 12), certainly designed by Caesar for urban settlers, cf. *FIRA* i², no. 21.

14. *Hasta Regia* (Pliny iii. 12). I see no ground for ascription to Caesar; *B. Hisp.* 26. 2 certainly does not prove that the town already had citizen status in 45 (so Nicolet, *L'Ordre équestre* 406, 410 f.).

15. *Itucci*, Virtus Iulia (Pliny iii. 12), not necessarily Caesarian.

16. *Ucubi*, Claritas Iulia (Pliny iii. 12); the town had been burned down by the Pompeians (*B. Hisp.* 27); that could have facilitated colonization soon afterwards.

Vittinghoff 104 ff. treats the following as Augustan:

17. *Artigi*, Augusta Firma (Pliny iii. 12).

18. *Tucci*, Augusta Gemella (ibid.).

19. *Asido*, Caesarina (A·gusta?) (Pliny iii. 11), previously Latin, if Henderson, 13 is right.

It is usual to add *Traducta Iulia* as a tenth colony in Baetica. Pliny v. 2 gives it as the title of Tingi in Mauretania, but it is certain from Ptolemy ii. 4. 6 and other geographical sources that it was the name of a place on the coast of Spain opposite Morocco. Strabo iii. 1. 8 writes:

ἦν δὲ καὶ Ζῆλις τῆς Τίγγιος ἀστυγείτων, ἀλλὰ μετῴκισαν ταύτην εἰς τὴν περαίαν Ῥωμαῖοι, καὶ ἐκ τῆς Τίγγιος προσλαβόντες τινάς· ἔπεμψαν δὲ καὶ παρ' ἑαυτῶν ἐποίκους, καὶ ὠνόμασαν Ἰουλίαν Ἴοζαν τὴν πόλιν.

It seems then that people were transplanted from 'Zelis', which must be the Roman colony of Zulil (C 62), and from Tingi (C 61), to Traducta Iulia; Iotsa is held to be the Phoenician equivalent of Traducta. This transplantation must underlie Pliny's error. Zulil was founded between 33 and 25 B.C. [However, Pliny's totals for colonies and *municipia* in the Spanish provinces seem in general to be drawn from the Augustan formulae, even though he has apparently added two post-Augustan colonies to make up the total for Tarraconensis (p. 584), and not reached by counting those which he names (he does not name all the *municipia* in Baetica and Tarraconensis). Traducta cannot be accommodated within his total of Augustan colonies; one would also not expect Mauretanians to be moved from their homes to make way for Roman colonists only to be incorporated at once in a new Roman colony in Spain. But it can be accommodated in Pliny's total for *municipia* (pp. 602 f.), and we may compare the mixture of Roman settlers, Tingitanes, who themselves presumably had had the Roman citizenship since 37 (C 61) and native Mauretanians, with that attested at Emporiae (M 22). Naturally the Latin coinage of Traducta fits this hypothesis. Teutsch 208 cites modern discussions, but see now B. D. Hoyos, The Romanization of Spain, (Oxford D. Phil. thesis, 1971) 348 ff.

TARRACONENSIS

Pliny iii. 118 gives 12 colonies. See Vittinghoff 79 ff., 107 ff.

20. *Valentia* (Pliny iii. 20), styled a colony in or soon after 60 B.C. (*ILS* 878), unless the inscription be referred to C 4 (Badian, *FC* 311); this might, however, mean that it was still a Latin colony (p. 215, but cf. p. 523 n. 1). Third-century inscriptions distinguish the 'veteres' and 'veterani' here (*CIL* ii. 3733–7, 3739,

3741) and an undatable fragment refers to 'uterque ordo' (3745); F. Hampl, *Rh. Mus.* xcv, 1952, 52–78, holds that Valentia had two councils representing the 'veteres' and 'veterani' respectively, but we have no evidence when the relevant settlement of veterans occurred; it may have been under Augustus, when Valentia was certainly, as Pliny shows, a Roman colony.]

21. *Nova Carthago* (Pliny iii. 19), Iulia Victrix.

22. *Tarraco* (Pliny iii. 21), Iulia Victrix Triumphalis.

23. *Celsa* (Pliny iii. 24), Victrix Iulia Lepida.

Of these the last was clearly founded by Lepidus, but probably in accordance with Caesar's plans, cf. C 8. The common *cognomina* of all three towns suggest that they were designed at the same time. Moreover 21 and 22 were old centres of Roman administration and settlement, and had far greater commercial advantages than 23; if Celsa is Caesarian at least in design, we should expect both the other towns to be his foundations. The attempt of Grant 215 ff. (but cf. p. xv) to date Nova Carthago as late as 29 B.C. rests on an insecure hypothesis regarding its 'foundation-issue' of coins. On the other hand, as Caesar can have planted few veterans in Spain (p. 258 n. 1), the military insignia that appear on its coins may indicate a later *deductio* of veterans in the time of Augustus, and not (as Vittinghoff 79 assumes) the presence of Caesar's soldiers. Nova Carthago had *quattuorviri* as magistrates before Caesar's time (*ILLR* 117), a plain sign that it was 'Romanized', no doubt by the influence of a Roman *conventus*, and one would assume that here the local population were incorporated in the colony, especially as they were loyal to Caesar in 45 (Dio xliii. 30. 1); for new settlers there was probably vacant public land, as in 63 (Cic. *leg. agr.* i. 5; ii. 51) and no need for expropriation. Strabo iii. 4. 6 f. stresses that both Nova Carthago and Tarraco were large, prosperous towns.

24. *Ilici* (Pliny iii. 19), Augusta, very conjecturally dated by Grant to *c.* 29 B.C. (213 ff.).

25. *Barcino* (Pliny iii. 22), Faventia Iulia Augusta Pia Pat(ricia?). For the last title see Garcia y Bellido, *Las colonias rom. de Esp.* 482 and Figure 7; he prefers Paterna; I follow the view suggested to me by Mr. D. Hoyos of Worcester College, Oxford.

26. *Caesaraugusta* (Pliny iii. 24), where veterans of 3 legions (IV, VI, X) were settled.

27. *Acci*, Gemella (Pliny iii. 25), Iulia Gemina. Veterans from legions I and II were settled here; the cognomen apparently refers to this (cf. C 88).

28. *Salaria* (Pliny iii. 25).

29. *Libisosa*, Foroaugustana (Pliny iii. 35).

[To make up Pliny's total of 12 colonies in Tarraconensis in the first printing of this book I inserted

30. *Palma*

31. *Pollentia*

Pliny iii. 77 classes them as 'oppida c. R.', but the *periplous* on which he may have drawn here need not have specified their status. Mela ii. 124 calls them colonies but could have in mind their original foundation, as Latin colonies

(p. 216). Hoyos (cited p. 591) cogently argues that Pliny does not include the Balearic islands in Tarraconensis (iii. 18) where he allows only one 'federated' *civitas*, the Tarracenses (iii. 24), ignoring Ebusus (iii. 76). Probably Palma and Pollentia became *municipia* by Augustus' time (cf. p. 603); Pliny's total of 12 colonies is then completed by two post-Augustan colonies, cf. p. 584.

LUSITANIA

Pliny gives a total of 5 colonies and names them all (iv. 117); see Vittinghoff 77 ff., 109 ff.

Caesar did not operate in Lusitania in the 40s; the region was unsuited for proletarian colonies, and I doubt if any colony here is Caesarian.

32. *Emerita* (Pliny iv. 117), Augusta, 26/5 B.C. (Dio liii. 26. 1); legionaries of V Alaudae and X Gemina settled. Otho benefited both Emerita and Hispalis by 'familiarum adiectiones' (Tac. *Hist.* i. 78), perhaps making native *attributi* or other *incolae* liable to *munera* (cf. *ILS* 1374, 6680).

33. *Pax Iulia* (ibid.), probably Latin before 27. Mrs. Henderson (p. 13) writes: 'that Pax Iulia too owed its full colonial rank, at least, to Augustus is suggested by its *ius Italicum* and by Strabo's version of its name, Παξαυγούστα (iii. 151). And Caesar did not call his colonies names like Pax.' Cf. C 36.

34. *Norba Caesarina* (Pliny iv. 117). The name is no proof of Caesarian foundation, cf. p. 235.

35. *Metellinum* (ibid.). The name suggests foundation by Metellus Pius (cf. p. 216); there is no evidence from whom it received colonial status.

36. *Scallabis*, Praesidium Iulium (ibid.). The cognomen 'Praesidium' suggests a veteran settlement, but Caesar settled few veterans in Spain. Cf. C 33.

AFRICA

Pliny gives a total of only 6 colonies, but see Appendix 13. The fullest account is that of Teutsch.

Teutsch assigns to Caesar 3 colonies (pp. 101 ff.):

37. *Carthage*, Concordia Iulia (Pliny v. 24). Much land was public (Cic. *leg. agr.* i. 5). Appian, *Lib.* 136 says inconsistently (*a*) that it was planned by Caesar, founded by Augustus; (*b*) founded in 44. He here confuses (1) foundation in 44, but after Caesar's death (Solinus xxvii. 11), and (ii) reinforcement in 29, after Lepidus had disturbed the settlement in some way (Dio liii. 43. 1; Tert. *de pallio* i). Strabo xvii. 3. 15 says that Caesar sent out veterans (cf. Plut. *Caes.* 57. 5) and other Romans; Appian that Augustus sent out 3,000 colonists from Rome and gathered others from the surrounding country (perhaps the descendants of the Gracchan settlers rather than natives), perhaps referring to the settlement of 44, rather than to the reinforcement in 29, as assumed by Teutsch 158. For further details see Teutsch; in my view the title Concordia can be connected with the temple of Concordia Nova built at Rome in 44 (Dio xliv. 4. 5).

38. *Clupea*, Iulia (?). The fact that a freedman who flourished in the triumviral period was magistrate here (*ILS* 1945) is no proof that the colony was actually founded before March 44, but attests Caesarian planning (cf. p. 256).

39. *Curubis*, Iulia, already a colony in 45 (*ILS* 5320); the inscription of the old native town set up in April of a year when C. Caesar was consul or dictator, cannot belong, as Teutsch thinks possible, to 48–47, when Africa was in the control of the Pompeians, and is inappropriate to conditions in April 46; it must then be referred to 59, or to 45, immediately before the foundation of the colony. In *ILS* 6094 the town makes C. Pomponius its patron, and the Caesarian magistrate of 5320 is L. Pomponius L. l. Malcio; the colonists probably included *negotiatores*, or their representatives, already active in Africa.

The attribution of the following towns to the period before A.D. 14 rests, except for nos. 43, 47, and 49 (attested by Pliny), mainly on titulature, and not on documents of the time. Some were probably of Caesarian origin; 40–2 on the coast should belong to the same scheme as 37–9.

40. *Carpis*, Iulia. *ILS* 9367 suggests Caesarian origin.

41. *Neapolis*, Iulia.

42. *Hippo Diarrhytus*, Iulia. Teutsch 114 argues that Caesar merely established a *pagus* of veterans here; his inference from *ILS* 6118 is not cogent.

43. *Thabraca*, V(irtutis?) or V(ictrix?) P(ietatis?) or P(ia?) Iulia. *AE* 1959, 77 does not prove that it was a colony as early as 37/6. Pliny v. 22 merely calls it 'oppidum civium Romanorum' and does not count it among the colonies; perhaps then, like Tingi (C 61), it was at first a *municipium*, or originated in a *pagus* of Roman settlers (cf. 46–9 below).

44. *Uthina*, Iulia Tertiadecimanorum (Pliny v. 29). Perhaps Caesarian; Caesar had the 13th legion with him in Africa in 46. I do not accept the view that Pliny ignored Caesar's colonies as such, cf. Appendix 13, but only coastal colonies; Uthina is inland.

45. *Thuburbo Minus* Octavanorum (Pliny v. 29). Also inland. But the 8th legion was not with Caesar in 46 (Rice Holmes iii. 534 ff.), and the veteran settlement should, at earliest, be after Actium.

46. ? Iulia (?) *Thub.* . . . (*CIL* viii. 14452), perhaps Pliny's 'oppidum c. R. *Thibidrumense*',

47. *Simitthus*, Iulia Augusta Numidica,

48. *Thuburnica*, Augusta,

49. ? *Azuras*, Iulia

are all (if the first is rightly identified) among those inland 'oppida c. R.', probably mere *pagi*, for the source Pliny (v. 29) followed (cf. Appendices 12 and 13). None can have become colonies at the time when the *formula* he used was written. It follows that 46 and 49 kept the title Iulia as colonies, in memory of their first settlement as *pagi*, even though they did not become colonies until at earliest the middle of Augustus' principate. It does not seem plain that they could not have also kept it, even if promoted after A.D. 14. Their attribution to this period is thus uncertain, but the title Augusta borne by 47 and 48 suggests that they benefited in some way from the emperor after 27, and probably that they owed their colonial rank to him. *ILS* 2249 is an early gravestone of a veteran of the Vth legion who was *duumvir* at Thuburnica; it seems to me unlikely (*contra* Teutsch 119) that he was a Caesarian soldier of V Alaudae, since his home was Faventia.

Grant 178 ff. argues from coins that P. Sittius constituted Simitthus as a *municipium*; and holds that other coins commemorate its promotion to colonial rank under Augustus (232 f.). His reading and interpretation of the coins are highly dubious. The title 'Numidica' may denote that many natives were incorporated in 47, in contradistinction to other colonies.

50. *Sicca*, Iulia Veneria Cirta Nova (Pliny v. 22). *ILS* 6773 attests Augustus as *conditor*.

51. *Cirta*, Iulia Iuvenalis Honoris et Virtutis (Pliny v. 22; 'Cirta Sittianorum'). For Sittius cf. p. 164. New assignations of land were made in 26 B.C. (*AE* 1955, 202). Teutsch argues that in Caesar's time and probably until 36 Cirta had the Latin right (74 ff.). He also notes (177) that the *gentilicium* Iulius occurs 226 times in 1,473 inscriptions of Cirta; it is also exceptionally common in places dependent on Cirta (118 instances in Thibilis, 179 n. 377; 271 out of 1,314 inscriptions at Castellum Celtianum, 183). The name Sittius is also prevalent. Plainly elevation to colonial status entailed numerous enfranchisements of peregrines. Teutsch holds that the federated towns of Rusicade, Chullu, and Milev (164 f., 182) were not yet colonies in their own right, but doubtless the people there shared the Roman citizenship of the Cirtans.

Other scholars have designated additional Caesarian or Augustan colonies in Africa, which Teutsch will not admit to his list; a few merit mention.

Hadrumetum, Concordia Ulpia Traiana Augusta Frugifera; see Vittinghoff 82. 5. Teutsch 144 ff.; 186 refutes the attribution.

Maxula, attested by Pliny v. 24; Teutsch 45 f. notes that there is no epigraphic confirmation, and ingeniously argues that Pliny read his source carelessly; there is no doubt that Pliny counted Maxula among the 6 colonies he recognized in Africa.

Thysdrus; a Severan inscription calls it Iulia, but it was 'municipium Septimia libera'. Vittinghoff rejects the view that it was either a Roman or Latin *municipium* in this period on the ground that it issued coins with Punic legends (82 n. 5); however, the same was true of Gades, whose municipal status should not be denied (ibid. 35), and of Tingi (*infra*). Teutsch 142 f. reassigns the coins to Thapsus, and concludes from the presence of Roman citizens of the tribe Galeria that it did get Latin rights from Caesar or Augustus; but he thinks it became Roman only in Severus' time.

Thapsus. Vittinghoff 84 dubiously inferred that it was a Julian colony from M. Grant's readings of certain coins, but cf. Teutsch 143 f.

Thuburbo Maius, an Augustan colony according to Vittinghoff, was in fact a *municipium* (*ILTun.* 699: [Aelium Ha]drian[um Aug. Thu]b. Mai[us], cf. *ILAfr.* 240, 247) till Commodus, when it becomes Colonia Iulia Aurelia Commoda (*CIL* viii. 12366, etc.); Teutsch, *RIDA* viii, 1961, 329 ff., infers that its colonial title Iulia reflects the fact that it was a *municipium* founded by Augustus; similarly Utica, once an Augustan *municipium*, became Colonia Iulia Aelia Hadriana Augusta. However, it may only have had the Latin right.

MAURETANIA

Pliny used a Claudian *formula provinciae*. Between 33 and 25 Mauretania was under direct Roman administration (Teutsch 190 ff.). Teutsch 193 ff. dates all

the Augustan foundations to this period, but once Roman settlement had begun here, it could perhaps have continued in the reign of king Juba. After his installation the Roman towns, whenever founded, must all have come under the jurisdiction of the governor of Baetica (as stated of the colony of Zulil by Pliny, *NH* v. 2), unless the more easterly were subject to the proconsul of Africa. Some, perhaps all, the colonies were veteran settlements, yet Augustus does not name Mauretania among the regions where he settled veterans, perhaps because Mauretania was not a province (Teutsch), perhaps because technically the colonies were exclaves of Baetica or Africa.

52. *Igilgili*, founded by Augustus (*NH* v. 20).

53. *Saldae*, likewise (ibid.), Iulia Augusta legionis VII.

54. *Tubusuctu*, likewise (v. 21), Iulia Augusta legionis VII (*ILS* 6103), but also styled Iulia, not Augusta, in A.D. 74 (*AE* 1934, 39).

55. *Rusazus*, likewise (v. 20), Iulia Augusta; veterans of VII were settled here too (*AE* 1921, 16).

56. *Rusguniae*, likewise (v. 20), Iulia Antoniniana Pontif(icensis?) Cl. . . . IIIIV (i.e. IX) leg. Gemellae (*AE* 1956, 160). Conceivably the permanent imperial legion named IX Hispana had been amalgamated from two weak legions about 29 B.C. (this may help to explain the Augustan *cognomina* of *Macedonica* and *triumphalis* associated with a ninth legion) and bore the name Gemella for a time to denote this. Perhaps the colony was reinforced *c.* 12 B.C., if Pontificensis is rightly restored—it also belongs to Ubulco, a possible *municipium* in Baetica—and may be referred to Augustus' becoming Pontifex Maximus.

57. *Aquae Calidae* (reading in v. 21 'colonia Aquae, item Succhabar', on the strength of Ptol. iv. 2. 6).

58. *Zucchabar* (v. 21).

59. *Gunugu*, 'deducta cohorte praetoria' (v. 20).

60. *Cartenna*, 'colonia Augusti legione secunda' (ibid.).

61. *Tingi*. Dio xlviii. 45. 3 says that Octavian granted it citizenship in 38. This should mean that it became a *municipium*. Later it was 'colonia Iulia'. Pliny v. 2 says that Claudius made it a colony, and that it was called Traducta Iulia. The second statement is incorrect (p. 591), and the first may be a false inference from the fact that Tingi became 'colonia Claudia', perhaps to commemorate new favours from Claudius. On the ground that while a colony it still issued Punic coins, Teutsch 206 holds that it was only a Latin colony before Claudius; in that case Dio's clear statement is mistaken. Teutsch also notes that as a colony it still had at first *IVviri*, later *IIviri*; he thinks that this too fits his hypothesis. However, *IVviri* were appropriate to *municipia*, and some *municipia*, when elevated to colonial status, retained them (cf. A. Degrassi, *Scritti Vari di Ant.* i. 99 ff.). Particularly in such an out-of-the-way place as Tingi, deviations from normal practice would not be surprising. Dio's testimony should not be rejected. Gades too coined in Punic after receiving citizenship (Grant 177 f.), and Lipara in Greek (ibid. 195).

62. *Zulil*, 'colonia Augusti Iulia Constantia' (Pliny v. 2). The natives were displaced to make way for the colonists (p. 591).

63. *Babba*, 'Augusti colonia, Iulia Campestris' (Pliny v. 5).

64. *Banasa* (Pliny v. 5), Iulia Valentia Banasa.

SARDINIA

65. *Turris Libisonis* (Pliny iii. 85), Iulia. Caesar obviously sent no veterans to Sardinia, and Augustus does not claim to have done so (*RG* 28). Probably a governor of 42–40 took credit for the settlement (Grant 205 f.), which doubtless consisted of *proletarii*, sent out in accordance with Caesar's plans.

SICILY

See Vittinghoff 70 f.; 118 ff. Veterans (*RG* 28) were settled in some, if not all, the places named below; Syracuse and some other colonies, probably 66, 69, 70, were founded in 21 B.C. (Dio liv. 7. 1).

66. *Catana* (Pliny iii. 89).

67. *Panormus*, classed only as 'oppidum' by Pliny (iii. 90); it must have received colonial status after the date of his documentary source, but before A.D. 18 (Vittinghoff 120 n. 9). Foundation by Tiberius seems unlikely.

68. *Syracuse* (Pliny iii. 89). Strabo vi. 2. 4 says that Syracuse had suffered exceptionally from Sextus Pompey and that by his colony Augustus πολὺ μέρος τοῦ παλαιοῦ κτίσματος ἀνέλαβε. Evidently there had been depopulation.

69. *Thermae Himeraeae* (Pliny iii. 90).

70. *Tyndaris* (Pliny iii. 90).

71. *Tauromenium* (Pliny iii. 89). Diod. xvi. 7. 1 says that it received a Roman colony after Octavian had expelled the Tauromenites from their home, evidently for taking Sextus Pompey's part. The date of this colony should follow closely on this expulsion, and should not be associated with that of Syracuse, as it often is. Cf. p. 237 n. 1.

ILLYRICUM including LIBURNIA

See Vittinghoff 124 f. and, in more detail, Alföldy 78 f., 102, who argues that the colonies named below were the old *conventus c. R.* raised to colonial status and not veteran settlements, as (*a*) Illyricum is not among the provinces in which Augustus claims to have founded 'colonias militum' (*RG* 28); (*b*) there is little epigraphic evidence of the presence of veterans down to A.D. 14.

72. *?Senia* (Alföldy 76 dates the colony conjecturally in 33 B.C.).

73. *Iader* (Pliny, *NH* iii. 140); Alföldy 78 conjectures foundation about 33 B.C.; some make it Caesarian. The ruling class seems to consist of Italian *negotiatores* and their descendants.

74. *Salonae* (ibid. 141), Martia Iulia; Alföldy 102–5; 110 explains 'Martia' by the part the *conventus* played in 47 (Caes. *BC* iii. 9) but argues that Octavian introduced new settlers into the Caesarian colony. See further p. 251.

75. *Narona* (Pliny iii. 142); Alföldy 135 argues for Caesarian date and disproves attribution to Tiberius.

76. *Epidaurum* (Pliny iii. 143); Alföldy 139 argues for Caesarian date.

See also Appendix 16 for discussion of the status of other Illyrian towns which Alföldy views as colonies of the period, where I suggest tentatively that no town in this region obtained colonial status without *deductio*; if that be true, Caesar may have made 74, 75, and 76 *municipia* and Augustus may have converted them into colonies. On the composition of the population in these towns and in the colonies listed above see pp. 251 f.

MACEDON and ACHAEA

See J. A. O. Larsen, *ESAR* iv. 446 ff. and Vittinghoff 85 ff.; 126 ff.

77. *Corinth*, Laus Iulia (Pliny iv. 11). The land was public (Cic. *leg. agr.* i. 5; ii. 51). The colonists included veterans (Plut. *Caes.* 57) but were mostly freedmen (Strabo viii. 6. 23); some local magistrates seem to have come from *negotiatores* previously resident in the east (Grant 267). Coins show that the colony had been founded by 44 (Grant 266), though not necessarily before March, cf. Lenschau, *RE* Suppl. IV. 1033 f. It was certainly planned by Caesar, and not refounded later; others called Iulia Augusta seem to have been planned by Caesar and settled *c.* 44–43 but reinforced or 'restored' subsequently.

78. *Buthrotum* (Pliny iv. 4) in Epirus was being settled in 44 (p. 258) and was 'colonia Iulia', but appears later as 'colonia Augusta' on coins. The first settlers were civilians, but a new *deductio*, or the grant of favours by Augustus, must be inferred.

79. *Cassandrea* (Pliny iv. 36), Iulia Augusta.

80. *Dium* (Pliny iv. 45), Iulia Augusta.

81. *Dyrrhachium* (Pliny iii. 145), probably Iulia Veneria (Grant 275 ff.) and later Iulia Augusta.

82. *Pella* (Pliny iv. 34), Iulia Augusta.

83. *Philippi* (Pliny iv. 42), Victrix, later Iulia Augusta. See P. Collart, *Philippes*, 1937, 223 ff. for full evidence.

Grant, 10, 33, 272 f. shows that Cassandrea certainly and Dium probably were settled by Q. Hortensius, the Republican governor of Macedon in 43–42. His contention that the settlers were veterans is absurd; Brutus and Cassius needed all the veterans they had, and could settle none. Larsen conjectured that they were purely Greek towns, given the status of colonies because Brutus needed to recruit Macedonians (p. 486). But it is unlikely that traditionalists made so new a departure in policy. More probably both towns had been marked out like Corinth and Buthrotum for civilian settlers from Italy unsuited for fighting; they had arrived, and the Republicans had to dispose of them. It also seems probable that Dyrrhachium, 'colonia Veneria', was at first a colony of the same type. Philippi was certainly founded after the battle there, perhaps for veterans. Dio li. 4. 6 says that after Actium Octavian moved Antonian partisans from Italy to Dyrrhachium, Philippi, and other places. Vittinghoff is surely right in supposing that Cassandrea and Dium were among these places. We know from *Dig.* l. 15. 8. 8 that all four colonies enjoyed *ius Italicum*, and were thus exempt from provincial tribute; this can be explained by the hypothesis that the privilege was

some compensation to Italian expatriates in all four colonies. Dio gives the date 30, and Grant is wrong to doubt it, though the process of settlement may have only begun then, and taken many years; if it had not been completed before 27, we can understand why all four are named 'Augustae'. Coins show that some praetorians too found homes at Philippi, perhaps later. Grant 279 ff. is probably right that Pella was similarly refounded about the same time. *Quinquennales* held office in 25, and Grant infers that the colony must have been founded first at an earlier date also divisible by 5; but 45 (as for Sinope and perhaps Corinth) seems more plausible than 40. Another pair of *quinquennales* celebrate the restoration of Pella by Augustus, if Grant has rightly interpreted the coins, but it does not follow that this occurred in their year of office, and that the date is 30.

84. *Dyme* (Pliny iv. 13), Iulia on one coin, and Iulia A(ugusta) later, may have had a rather similar history; Grant 264 thinks that it was at one time Iulia Antonia, but this is dubious. Pausanias vii. 17. 5 says that Augustus annexed it to Patrae, and that was no doubt its fate by his own time, perhaps since an early date; however, both Pliny and Strabo (xiv. 3. 4) recognize the separate existence of Dyme and Patrae, and we cannot be certain that its independence ended before A.D. 14, even though coins of Tiberius' reign once ascribed to Dyme are assigned by Grant 278 to Dyrrhachium.

85. *Byllis* (Pliny iv. 35) can be Caesarian or later.

86. *Patrae* (Pliny iv. 11), Augusta Arae, is dated by Jerome to 14 B.C. (cf. Ernst Meyer, *RE* xviii. 2210 ff.), and Strabo is thus rather misleading in putting its foundation after Actium; he says that a veteran colony made the place populous; coins and inscriptions show settlement by soldiers of X and XII. Pausanias vii. 18. 7, cf. 22. 1 and 6, tells that Augustus brought back to Patrae Achaeans who had migrated to neighbouring towns and gave the colony a large territory: 'he granted it to the Patraeans, alone of the Achaeans, to be free and to have all the other privileges which the Romans customarily bestow on their colonists.' Meyer shows that there is no trace of a Greek *polis* existing side by side with the colony, but holds that not all the Achaean inhabitants had local rights. This runs counter to the natural sense of Pausanias, though it may be that he ascribed to Augustus what was the result of a long evolution, in which Achaeans and colonists were legally as well as culturally assimilated. However, Strabo's reference to 'the Romans in Patrae' (x. 2. 21) does not imply that there were non-Romans there, and allusions to Patraeans tell us nothing of their legal status; there seems to be no evidence, except perhaps general probability, for Meyer's view.

CRETE

87. *Cnossus*, *I*(ulia) N(obilis?). Pliny iv. 59 ignores its status, but cf. Strabo x. 4. 9. I see no reason to connect the foundation with Octavian's grant of land in Crete to Capua, which Dio xlix. 14. 5 (cf. Vell. ii. 81. 21) mentions in connection with the settlement of veterans in 36 in the Ager Campanus but which can hardly have been effective before 31, since Octavian did not control Crete previously. Augustus settled no veterans in Crete (*RG* 28), and a civilian colony there is more likely to have been Caesarian; a freedman of Caesar held local office (Grant 262).

ASIA MINOR

Vittinghoff 87 ff.; 130 ff.; T. R. S. Broughton, *ESAR* iv. 582, 702 f.

88. *Lampsacus*, called G. I(ulia) on coins bearing Caesar's head with diadem. Appian *BC* v. 137 records that Caesar had sent colonists there, but Vittinghoff, supposing that the title is Gemina or Gemella Iulia and means that 2 legions were settled here, argues that this must have been in the triumvirate, as 'under Caesar, so far as we know, 2 legions were never settled in one colony; at least no Caesarian colony bears the title Gemella'. Given the sparsity of evidence for Caesar's colonies, the *argumentum e silentio* has no force. Could surviving veterans of the Pompeian legion amalgamated from Cicero's 2 old Cilician legions (Caes. *BC* iii. 4) be meant? As they had been in service since at least 66, Caesar might well have decided to discharge them, even when he took other ex-Pompeians into his own army; cf. p. 476. The colony is earlier than 35, and there is no ground for thinking that Antony settled in the East any of the soldiers he took with him in 42; the veterans to be discharged accompanied Octavian to Italy. It also seems unlikely that Antony founded a colony between 40 and 35. Octavian had had no opportunity to colonize in the East. Appian's statement must refer to Julius Caesar. Other settlers might well have been drawn from the urban proletariat. However, the reading of the title is conjectural; Mrs. M. I. Henderson, *JRS* xliii, 1953, 141 proposed G(enetiva), making the place purely proletarian, cf. C 13. Broughton's view that Lampsacus was not a colony is not justified; there is hence no need to think that Appian has probably confused it with Parium. The colony does not seem to have survived its adherence to Sextus Pompey in 35.

89. *Apamea* (Pliny v. 149), Iulia Concordia. Many of the inhabitants had perished in the Mithridatic war (App. *Mith.* 77). The title Concordia is paralleled at Carthage and does not point to foundation by Antony *c.* 42–40 (Grant 256), as against 44. Possibly refounded by Augustus, Grant 257.

90. *Heraclea Pontica*. The Romans received part of land and city, but not long before Actium were slaughtered by a Galatian tetrarch who had received the other part from Antony (Strabo xii. 3. 6). Evidently this ended the life of the colony, which was presumably Caesarian.

91. *Sinope* (Pliny vi. 6), Iulia Felix, attested in coins of 45 (Head, *HN*² 509); Strabo xii. 3. 11 says the settlers received part of the land and city.

92. *Alexandria Troas* (Pliny v. 124), Augusta. An unpublished inscription (*AL*, p. 74 n. 60) proves that Augustus sent veterans here. Grant 244 interprets coins to show that it was originally founded by Caesar. Augustus claims to have founded military colonies in Asia, i.e., here or at Parium or both.

93. *Parium* (Pliny xv. 48; v. 141), G(emella) or G(emina) or G(enetiva) Iulia, perhaps Caesarian, see under C 88.

94–9. The 'Pisidian' colonies,

Antioch Caesarea
Lystra Iulia Felix Gemina
Olbasa Iulia or Iulia Augusta or Augusta
Comama Iulia Augusta
Cremna Iulia Augusta
Parlais Iulia Augusta.

It seems to me inconceivable that these colonies were founded before the annexation of Amyntas' kingdom in 25 B.C. The cognomen Caesarea may derive from a name Amyntas had given the pre-existing Greek city of Antioch. It is indeed unexplained why Lystra appears to lack the title Augusta, but cf. C 54 above. B. Levick 195 ff. shows that there is no substance in M. Grant's attempt to make Lystra a Caesarian foundation. In Chapter IV she argues plausibly that Antioch, Cremna, and Lystra and probably the other colonies were founded precisely in 25; the case is perhaps not decisive. Antioch was settled by veterans of legions V and VII, and the title Gemina shows that 2 legions also shared in the foundation of Lystra. Levick 198 f. regards Germa and Ninica, despite their title Iulia Augusta, as Flavian; this must be left in doubt.

SYRIA

Vittinghoff 134 f.

100. *Berytus*, Felix Iulia Augusta; Grant says that only Iulia appears on Augustan coins. It comprised veterans from 2 legions, V and VIII, as we know from coins; Strabo xvi. 2. 19 says that Agrippa settled 2 legions here, and this is usually dated *c.* 14 B.C., but Ritterling, *RE* xii. 1643, held that it was immediately post-Actium; the title Augusta is certainly no objection, but Grant 258 f. argues for the later date. 1,500 men could be enlisted here in 4 B.C. (Jos. *BJ* ii. 67).

101. ? *Heliopolis*, Iulia Augusta Felix, but cf. A. H. M. Jones, *Cities of the Eastern Roman Provinces*, 465 n. 85.

Postscript

At a late stage I noticed that I had overlooked the two colonies founded in the early first century in CORSICA (p. 216 n. 5); so as not to disturb the numeration I set them here though out of place geographically:

102. *Aleria*.

103. *Mariana*.

Both are registered by Pliny (iii. 80); on the other hand the Marian colony, Cercina, in Africa (p. 577), seems to have become extinct.

My attention has also been directed to the suggestion of G. Manganaro that Centuripae in Sicily was a colony (*Rend. Acc. Linc.* 1963, 23); see *contra* L. Robert, *Bull. Ép.* 1965, no. 499. Pliny iii. 91 shows that Centuripae enjoyed Latin status and Strabo vi. 2. 4 (272C) that it was restored by Octavian after 36; the term *apoikia* should denote a Latin colony.

16. LIST OF PROVINCIAL *MUNICIPIA* DOWN TO A.D. 14

THIS list is constructed for the same purpose and on the same principles as that of colonies in the last Appendix.

BAETICA

Pliny attests 10 *municipia*, but identifies only 1 and 3. See Appendix *14* for discussion.

1. *Gades.* Pliny iv. 119 describes it as 'oppidum civium Romanorum qui appellantur Augustani urbe Iulia Gaditana', but it was officially called 'municipium (Iulium) Augustum' (Vittinghoff 75 n. 6). Cicero describes how in 61–60 Caesar as governor of Further Spain 'iura ipsorum (Gaditanorum) permissu statuerit, inveteratam quandam barbariam ex Gaditanorum moribus disciplinaque delerit' (*Balb.* 43); no doubt Caesar introduced Roman practices as C. Claudius (consul 92) had done at Halaesa (*Verr.* ii. 2. 122) and Pompey in Bithynia (Pliny, *ep.* x. 79. 1 and 114, cf. Sherwin-White ad locc.); this measure of Romanization could have helped to justify the grant of citizenship to Gades in 49 (Dio xli. 24. 1; cf. perhaps Caes. *BC* ii. 21. 2; 'tributis quibusdam populi *publicis* privatisque praemiis'); the strong support Gades gave to Caesar (ibid. ii. 20) afforded another excuse, but the influence of Balbus was probably decisive. With Vittinghoff I see no reason to deny Gades the title of *municipium* from 49; the appellation 'Augustum' probably implies that it received further honours or gifts from Augustus, as it also did from Agrippa who was 'patronus' or 'parens' of the town.

2. *Italica.* Scipio had settled sick and wounded soldiers here in 205 (App. *Iber.* 38); the population was then of Italian descent, though in view of the probability that the veterans had intermarried with natives, they cannot all have been entitled to be regarded as citizens in the first century B.C., until they received a special grant. On the other hand the existence of a nucleus of Italians here from the third century should have promoted further settlement by some of those Italians who chose to make their domicile in Spain; some notable Italicenses who were clearly citizens are named in *B. Alex.* 52 and 57 and *B. Hisp.* 25, but Roman *equites* were domiciled at Urso and Hasta (*B. Hisp.* 22. 2; 26. 2), which were certainly not Roman towns in 45. In 49 Italica declared for Caesar against the Pompeian legate Varro (*BC* ii. 20). Even if the term 'municeps' used of a townsman in *B. Alex.* 52 is not necessarily technical, one might have expected Italica to have received municipal status at latest from Caesar (cf. *BC* ii. 21. 2, quoted under 1); and it is not clear to me why Vittinghoff 72, cf. 105, inclines towards an Augustan attribution. Hadrian, who originated there, implied that it was, like Utica, one of the earliest provincial *municipia* (Gell. xvi. 13. 4).

3. *Regina*, 'oppidum c. R.', Pliny iii. 15.

4–10. The names of the remaining 7 *municipia* given in the formula used by Pliny cannot be recovered; [cf. App. 14, except for Carteia (p. 206 n. 3).]

LUSITANIA

Pliny attests that there was only one *municipium*, viz.:

11. *Olisippo*, Felicitas Iulia (Pliny iv. 117), cf. M 15 for the cognomen. See p. 587.

TARRACONENSIS

Pliny gives 13 *municipia* (iii. 18). He names the following clearly:

12. *Saguntum* (iii. 20). Grant 158 ff. plausibly attributes certain coin-issues to Saguntum, one of which refers to (C. Calvisius) Sabinus as 'Imp. C(onstitutor?) M(unicipii)'. He supposes that Sabinus constituted Saguntum when proconsul *c.* 31–29 B.C. This may be right, though the commemorative coins need not in my view be contemporary, and even if his attribution and supplements are correct, I do not feel certain that Sabinus could not have done the work later; Grant's rule that only Augustus could be described as founder of a city after 27 (292 ff.) is unproven.

13. *Bastulo* (iii. 22).

14. *Iluro* (ibid.).

15. *Dertosa* (iii. 23), M(unicipium) H(ibera) Iulia Dert(osa) Il(ercavonia) on coins, cf. Vittinghoff 108 n. 1; the feminine cognomen need not show that this and towns in the same case were first Latin colonies, then Roman *municipia*, cf. Appendix 14. Still, 'Iulia' *may* derive from Latin status before 27; its promotion to municipal may be later. Grant 158, 167 f. holds that foundation coins of this city, as of Osca and Turiasso, are coeval with those of Saguntum and Calagurris; this dating is conjectural.

16. *Biscargis* (iii. 23).

17. *Bilbilis* (iii. 24), on coins MUN AUGUSTA or ITALICA; the feminine form *may* mean it was first Latin, cf. Appendix 14. Grant 170 regards its 'inaugural' coinage as only a little later than those of Dertosa, etc., and dates the foundation, insecurely, to *c.* 15–14 B.C.

18. *Calagurris* (iii. 24), Nassica Iulia on coins (cf. Vittinghoff 108 n. 4 and my remarks on Dertosa). Grant 165 f. (but cf. p. xv) argues that its coins show it was founded by T. Statilius Taurus *c.* 29 B.C.; this is not certain.

19. *Ilerda* (iii. 24).

20. *Osca* (iii. 24), 'Urbs Victrix'. Vittinghoff 108 n. 6. Cf. on Dertosa.

21. *Turiaso* (iii. 24), Silbis. Cf. on Dertosa.

To these we must add:

22. *Emporiae*. Livy xxxiv. 9 tells how in 195 B.C. there were two towns here divided by a wall, one Spanish, the other a Phocaean colony, 'tertium genus Romani coloni ab divo Caesare post devictos Pompei liberos adiecti. Nunc in corpus unum confusi omnes, Hispanis prius, postremo et Graecis in civitatem

Romanam adscitis.' Emporiae appears, however, on coins as a *municipium* (Grant 154 ff.). The Roman 'coloni' must then have formed a *pagus* or *vicus*, for the true colonies do not turn into *municipia*. The *municipium* surely came into existence only when the Spanish, if not the Greek, inhabitants were enfranchised. This clearly did not happen at once, and Grant 155 cannot be right in dating municipal coins to *c.* 44 B.C. It probably occurred, however, before the date of Pliny's source. Pliny mentions it in the following context (iii. 22): 'in ora . . . oppida civium Romanorum Baetulo, Iluro, flumen Arnum, Blandae, flumen Alba, Emporiae, geminum hoc veterum incolarum et Graecarum qui Phocaeensium fuere suboles'. He does not explicitly recognize the settlement of veterans here (in a kind of *pagus*) and it may be that the fusion of this settlement with the older inhabitants had not yet taken place when the document he used was written; but if it had and Pliny means to include Emporiae among *municipia*, it follows that we must include in the same category the town whose name intervenes between Iluro and Emporiae, viz.:

23. *Blandae*. Geographically that is plausible, but the town apparently has no inscriptions; hence epigraphic confirmation is lacking.

24. At least one Augustan *municipium* is not named as such by Pliny.

AFRICA

For Pliny's account of Africa see Appendix 13.

25. *Utica* (Pliny v. 24) received the rank in 36 B.C. (Dio xlix. 16); it was called 'Iulium' on coins of Tiberius (Vittinghoff 114 n. 5). Cf. pp. 222 f. and Appendix 13.

It is doubtful if there were any other Roman *municipia* in Africa before A.D. 14. Teutsch 118 f. argues that *Musti* owed its rank as a *municipium* (attested in inscriptions only by the abbreviation 'm') to Caesar on the grounds (*a*) that the tribe Cornelia was local here and occurs elsewhere in the provinces only in the colony of Noviodunum founded or designed by Caesar; and (*b*) that the gentile name Iulius is common in Musti; neither argument seems strong, certainly not for a creation before 44 rather than before A.D. 14; the place is ignored by Pliny. On the other hand Pliny, v. 29, names 13 'oppida civium Romanorum', of which Assuras (?), Simitthus, Thuburnica, and probably the 'oppidum Thibidrumense' became colonies under Augustus (Appendix 15). What of the rest? Vittinghoff singles out *Vaga* on the ground of its earlier importance (Sall. *BJ* 47) as a probable Augustan *municipium*, though there is admittedly no confirmation for this (114 f.) and both he (116) and Teutsch (33) conjecture that *Thunusida* became one; the gravestone of a citizen registered in Pollia is insufficient evidence. Of the other 'oppida' the Chiniavensca remained peregrine (*CIL* viii. 25450) and the citizens there must have constituted a *pagus* in their midst (Teutsch 32). This was also true of Uchi Maius (Vittinghoff 115 n. 7). Several are almost unknown. On these places see also Appendix 12. It seems unwise in default of other evidence to assume that *any* rose under Caesar or Augustus to the rank of *municipia*. Both Vittinghoff (115 n. 8) and Teutsch (163 f.) doubt if *Hippo Regius*, called a 'municipium Augustum', was a Roman *municipium* in Augustus' time; Teutsch argues that the phrase 'senatus populusque Hippo Regiorum' in an inscription

of A.D. 42/3 (*AE* 1935, 32) is inappropriate to a Roman town and suggests Latin status, which it probably gained from Augustus, the Roman citizens there being enrolled in Quirina. This argument does not strike me as probative, as Italian towns at least spoke of their senate (*ILS* iii. 674 f.), and a provincial *municipium* might have followed their example. But if Teutsch is right on Hippo, we cannot be sure that *Thuburbo Maius*, to which he rightly denies colonial status (p. 595), may not also have been Latin, not (as he thinks) a *municipium*. I have, therefore, not numbered as *municipia* of Roman citizens any of the towns named in this paragraph; it remains possible that two or three attained this status.

MAURETANIA

26. *Portus Magnus* (Pliny v. 19).

Tingi is not counted here, as it became a colony (C 61). The coins described by Grant 174 show that Lix was undergoing Romanization, not that it was a *municipium*.

SARDINIA

27. *Carales* (Pliny iii. 85), cf. Vittinghoff 123 n. 6.

28. *? Uselis*, ignored by Pliny, was 'colonia Iulia Augusta' by A.D. 158 (*CIL* x. 7845). Grant 150 ff. argues that it became a *municipium*, founded by M. Atius Balbus in or soon after 38. This implies that Pliny's account of Sardinian towns, which certainly rests on a *formula* later than 38, is defective. Since Pliny fails to name all privileged towns in Spain, this is clearly possible, though we cannot prove from internal evidence a similar failure for Sardinia, as he supplies no total of *municipia* in that province; he stresses that Turris Libisonis was the only colony, not that Carales was the only *municipium*. However, Grant's dating is uncertain. It is not proved that the coins of M. Atius Balbus P(atronus?) R(ei-publicae?) must be attributed to Uselis, or that in that event they would imply that he constituted a *municipium* there. On the other hand, he is probably right in reading a coin legend as IMP. CAESARIS A(ugusti) TR(ibunicia) P(otestate) MV(nicipium) P(ium) I(ulium) VZ(elis). We can suppose that Uselis became Iulium Augustum later and retained its title (in the feminine) on promotion to colonial rank.

SICILY

Pliny gives no total of *municipia* (iii. 88). See Vittinghoff 118 ff.; Grant 189 ff.

29. *Messana* (Pliny iii. 88).

30. *? Haluntium*, ignored by Pliny; a 'municipium' in *ILS* 119.

31. *Halaesa*, unprivileged in Pliny iii. 91, but a *municipium* with *duoviri* in Augustus' lifetime.

32. *Lilybaeum*, unprivileged in Pliny iii. 90, but a *municipium* with *duoviri* under Augustus.

33. *? Agrigentum*, unprivileged in Pliny iii. 89, but it coined in Latin and had *duoviri* under Augustus. Latin status seems possible. (The town appears as a

municipium in an inscription which G. Manganaro (*Kokalos* 1963, 214) refers, no doubt rightly, to the short period from 44 to 36 when all Sicilians were enfranchised.)

34. *Lipara* (Pliny iii. 93). In 38, fearing their defection to Sextus Pompey, Octavian deported the Liparaeans to Naples, where they lived till the end of the war (Dio xlviii. 48. 6). As they did not actually go over to Sextus, they were no doubt allowed to retain the citizenship given by Antony (p. 241).

ILLYRICUM

Pliny names as 'oppida civium Romanorum' (iii. 144):

35. *Rhizinium* (Risinium),

36. *Acruvium*,

37. *Butuanum* (*Butua*),

38. *Ol(i)cinium*,

39. *Scodra*,

40. *Lissus*,

and appends the words 'civium Romanorum' to

41. *Tragurium* (iii. 141) and

42. *Issa* (iii. 152).

Alföldy 105–7 finds the omission of 'oppidum' in the last two cases significant and maintains that they (and other places) were not *municipia* but administered by the colony of Salona. He adduces in support iii. 142, where we read that various Dalmatian peoples 'petunt in eam (Salonam) iura' and also 'petunt et ex insulis Issaei'. This confuses Salona as centre of a juridical *conventus* and Salona as a city; the bounds of the *conventus* and of the city's territory were of course not the same; cf. iii. 139 where the peoples who 'conventum Scardonitarum petunt' include towns with *ius Italicum*; Scardona did not yet have the citizenship. Nor is there proof that the military 'custos Traguri' of *ILS* 2600 was an official of Salona. Common centuriation seems to me also to give no evidence of his contention. As to Issa, he suggests that it lost its autonomy because it had taken the Pompeian side in 48 (Caes. *BC* iii. 9; *B. Alex.* 47). The suggestion that a man called in a Latin inscription 'dec(urio) Sal(onae) et Iss(ae) sed(ilis)' (*CIL* iii. 2074) was an official of Salona at Issa seems dubious. There is, however apparently no evidence for autonomy at Issa (unless this be such), nor at Tragurium. On Alföldy's view it would seem that, whether or not these places were *municipia*, they were peopled by Roman citizens; he notes that 'in Tragurium we know of many Italian colonists, whose names are mostly familiar in Salona as well . . . and a few natives' and that 'the survival of the Greek colonists is best attested in Issa, but that here too the leading families were Italians, partly from Salona' (112–13). However, the natives in both places need not have been enfranchised, whether or not they were dependencies of Salona.

Alföldy regards the places called 'oppida' by Pliny as colonies (141 ff.). Though the term 'oppida' may certainly comprise colonies (Appendix 13), it seems to me unlikely that it does so in a context where other towns are clearly designated as

colonies (iii. 140–3). Colonial status is attested only for Risinium, Acruvium, and Scodra and assumed by Alföldy for the rest, but even for the three towns named there is no proof that they were colonies as early as Augustus' reign. Risinium and Acruvium were apparently enrolled in the Sergian tribe, which is taken to be proof of an Augustan foundation, and Risinium bore the name Julia; but we must reckon with the possibility that they were *municipia* at first and later promoted to colonial rank; the Liburnian towns, which Alföldy himself classes as *municipia*, were also registered in Sergia. Alföldy shows that at Risinium and Acruvium, which alone among these 'oppida' provide significant epigraphic material, the attested inhabitants are mainly of Italian origin, as in all the Illyrian colonies; I discuss this more fully on pp. 251 f. If this means that most of the natives were without the franchise in all these Illyrian communities alike, and that it was largely confined to Italian settlers, it may seem strange that some should be styled colonies, and others *municipia*. But this could be explained by assuming that there was a *deductio* of new settlers in all the towns which became colonies, and that only municipal status was conferred on a pre-existing *conventus civium Romanorum*, if it was not so strengthened.

LIBURNIA

Alföldy has also examined the status of the Liburnian communities, on which Pliny's variant accounts (iii. 130, 139–40) are obscure, and holds that the following were *municipia* in Augustus' time:

43. *Arba* (p. 75),

44. *Tarsatica* (p. 75),

45. ? *Ortoplinia* (p. 76),

46. *Vegia* (p. 77),

47. *Aenona* (p. 77),

48. *Clambetae* (p. 83).

The evidence for dating these municipal creations (and others which Alföldy ascribes to later emperors) seems to me somewhat fragile, but no doubt there was some extension of the citizenship to natives in small Liburnian places; in almost every instance (whether the town be Augustan or later) Alföldy says that the epigraphic evidence suggests that the population was mainly indigenous, not Italian as with most of the Illyrian colonies. R. Thomsen, *Italian Regions*, 1947, 27 ff., argues for enfranchisement by Caesar.

MACEDON

49. *Denda*: 'civium Romanorum', according to Pliny iii. 145; here as with Issa (*supra*) 'oppidum' is omitted.

50. *Stobi*: Pliny iv. 34 calls it an 'oppidum civium Romanorum'.

PART THREE

17. TRIUMVIRAL AND AUGUSTAN COLONIES IN ITALY

IN *Res Gestae* 28 Augustus speaks of 28 flourishing colonies in Italy founded by his authority. It is clear that this number cannot include all the colonies founded between 41 B.C. and the time when he wrote.

Pliny designates 46 towns as colonies, not giving the title to many founded before Caesar's time. His language suggests that he was following an Augustan document in which only Augustus' foundations were styled as colonies (iii. 46). Beloch assumed (*IB*, Ch. I) that Pliny's 46 colonies are no other than the 18 cities marked out for settlement by the triumvirs and the 28 colonies to which Augustus referred. This view was refuted by Mommsen. It is enough to mention three arguments. (1) Of the 18 cities designated for settlement in 43 the triumvirs later exempted 2; and it is rash to suppose that they merely substituted 2 others. (2) Beneventum and Capua, each triumviral colonies, bore the title of Iulia Augusta, and may have received settlers after 27 B.C.; in that case they would have figured in both lists. (Mommsen rightly argued from the order of names in their titulature, Beneventum Iulia Concordia Augusta Felix, and Capua Concordia Iulia Felix Augusta, that the titles Iulia and Augusta were conferred at different dates.) However, the title 'Augusta' may commemorate new favours from Augustus, and not new settlements. (3) Pliny's 46 colonies include some Republican foundations, some which attained the status of Roman colonies later, and one (Cosa) which never did.

We have other evidence for the colonial work of Augustus in Italy before and after 27 B.C.:

(*a*) 21 colonies bore the title Iulia (of which 5 were called 'Iulia Augusta').

(*b*) 5 colonies were entitled Augusta (without Iulia).

(*c*) 12 towns not so styled are known independently of Pliny and the *Liber Coloniarum* to have been marked out for colonization within the period from 41 B.C. to A.D. 14.[1]

[1] To those acknowledged by Mommsen we must add Luceria, on the basis of *AE*, 1937, 64, cf. A. Degrassi, *Riv. fil.*, 1938, 129 ff., who also confirms that Aquileia and Teanum Sidicinum were post-Augustan colonies. In addition *ILLR* 592 attests a colony near Ausculum, apparently named Firmum Apulum, whose existence was hitherto unknown, and which was perhaps founded in this period, cf. S. Panciera, *Epigrafica*, 1962, 79 ff.; J. M. Reynolds, *JRS*, 1966, 118. But the arguments against a Sullan date are not strong. (*a*) It is not known that Sulla settled veterans in Apulia. But most of Sulla's settlements cannot be located. And see E. Fraenkel, *Horace* 2, on Venusia. (*b*) The monument seems to be later, and Panciera holds that it was set up soon after the foundation, on the ground that it refers to 'centuriones duoviri'. But Miss Reynolds doubts the supplementation of 'centuriones'. (*c*) The *Liber Coloniarum* refers to assignation 'lege Iulia' in the territory of Ausculum. No doubt the new colony could have been carved out of Ausculan territory. But it

(*d*) Finally, there remains the evidence of the *Liber Coloniarum*. Its text is often unintelligible, and it certainly errs on the status of some towns. But, where it records triumviral or Augustan settlement of veterans, there may be a substratum of truth; veterans in small groups were probably often given lands in towns which remained *municipia* (p. 329 n. 7, p. 337 n. 1).

If we ignore (*d*), we have 38 colonies attested under (*a*), (*b*), and (*c*). It is true that some doubt may be thrown on the Augustan dating of some of these colonies. Under (*a*) Castrum Novum in Etruria, Cumae, Parentium are not named as colonies by Pliny, and Mommsen doubted if Saena was well enough attested as Julian, probably wrongly, as Pliny calls it a colony; under (*b*) Abellinum is not designated as a colony by Pliny, may owe its title Augusta to a later emperor, and is probably pre-Sullan (p. 279 n. 2). Under (*c*) Nuceria too is not a colony in Pliny's list, and the fact that it was originally marked out for land distribution by the triumvirs (App. *BC* iv. 3) is not conclusive proof that its land was distributed in the event. But at most only five names should be deducted.

This leaves us with 33 colonies attested both by Pliny and by other evidence under (*a*), (*b*), and (*c*). To these we should add Falerio from (*b*); Pliny has confused it with Falerii, which was not a colony. Of the other towns named by Pliny as colonies 3 (Aquileia, Bovianum Undecimanorum, and Teanum Sidicinum) seem to have attained that status later, and Cosa, an old Latin colony, is wrongly described; but the remaining 9 *may* all belong to our period; the *Liber Coloniarum* refers one (Aquinum) to the triumvirs.

The explanation of Pliny's inconsistencies is conjectural; it does not seem enough to say that he used an Augustan document for inland towns, which specified only post-Caesarian foundations as colonies, and a chorographic source, which included pre-Caesarian, for coastal colonies (together with a few of the more notable inland places) and sometimes contaminated them; on occasion he seems also to include Claudian or Flavian colonies (cf. p. 608 n. 1).

It is at least clear that we know of between 34 and 42 colonies of the triumviral and Augustan periods, and that our list may not be complete. On what principle then did Augustus restrict his own colonies to 28?

Augustus prided himself on respect for 'mos maiorum' (when it suited him), and he could have adopted the view held by Cicero, who when asked by Antony, whether he could found a colony in a place where one already existed, had replied: 'Negavi in eam coloniam quae esset auspicato deducta, dum esset incolumis, coloniam novam iure deduci: colonos novos ascribi posse rescripsi' (*Phil.* ii. 102). Mommsen (*GS* v. 228) denied that he respected this Republican axiom. Perhaps he was wrong. Given the normal size of a colony (pp. 259 ff.), and the probable number of veterans to be settled in 41–40 (pp. 489 ff.), it is not likely that the triumvirs founded more than 16 colonies at this time, of which at least 8 could well have been established by Antony's officers, not acting under the authority of Octavian; Ancona (App. *BC* v. 23), Bononia (Dio l. 6), Beneventum

remains possible that if the *Liber* retails authentic information at all, it is correct in stating that the settlement took place in what remained Ausculan land. Against a triumviral date is the fact that the triumvirs promised their soldiers the finest cities in Italy. Firmum Apulum was not in this class, though its identity with the wretched town of Hor. *Sat.* i. 5. 87 is quite conjectural. I have omitted it from my counts of 'Augustan colonies'.

(*ILS* 886), Pisaurum (Plut. *Ant.* 60) are certain instances; it is no objection that the last two are named Iulia, perhaps in honour of Caesar, and Beneventum Augusta as well, to commemorate later settlers or benefits received from Augustus. Moreover, if Augustus scrupled to claim that he was the founder of Antonian colonies, to which he may subsequently have sent additional colonists, he might equally have omitted from his 28 old colonies (Dertona, Minturnae, Parma, all pre-Sullan; Abellinum (?) and Nola, Sullan; and Capua, Caesarian), where he allotted lands to veterans. Mommsen's own view that Augustus counted only those towns on which he first bestowed *either* the colonial status *or* simply the right to bear his name is much less satisfactory. Why should he have given that honorific title to one colony which he refounded and not to another?

It is at least plain that neither Augustus' total of 28 colonies nor Pliny's of 46 can provide any basis for statistics about settlements in Italy in this period.

The evidence is lucidly presented by Mommsen, *GS* v. 203 ff.

18. MALARIA IN ANCIENT ITALY[1]

IN his history of modern Italy D. Mack Smith asserts that in the nineteenth century several million inhabitants were malarial and that four million acres may have been left uncultivated because they were infested with the anopheline mosquitoes that carry the infectious parasites; in his view the virtual elimination of the disease by insecticides may have been 'the most important single fact of modern Italian history'.[2] Since malaria undoubtedly existed in ancient Italy, we may wonder how far its incidence explains the failure of the old Italian stocks to reproduce themselves between the late third century and the time of Augustus, or whether its debilitating effects may have prevented the Italians in the Principate contributing so many soldiers to Rome's armies as in the last two centuries of the Republic. In a celebrated book, inspired by the work on malaria done by Ronald Ross in modern Greece, W. H. S. Jones argued that the importation of malaria into Greek lands in the fifth century B.C. was the primary cause of Greek decadence. He had also suggested that malaria was brought into central Italy by Hannibal's soldiers.[3] If that suggestion is justified, the extension of malaria in Italy would appear to be coeval with the demographic developments in our period.

Only in the 1890s was it discovered that malaria was due to the injection of parasites into the bloodstream by the bites of female mosquitoes; since then, it has been gradually established that it is only anopheline mosquitoes, or rather certain species of anophelines, that carry the parasites, and that the parasites themselves are of many different strains, inducing different forms of the disease. In earlier times the disease had been ascribed, as its name shows, to noxious air, and more particularly to the pernicious effluences of marshes (whence the French term 'paludisme'), though even in antiquity it was suspected that the vectors were insects bred in swamps (*infra*), and there was some use of mosquito nets (no doubt designed to protect the users from the irritation of bites).[4] Even if the true cause had been

[1] I gratefully acknowledge the help I have received in writing this Appendix from A. Leslie Banks, Professor of Human Ecology at Cambridge, and from P. G. S. Shute of the Malaria Reference Library, Epsom. I cite by author's name alone L. W. Hackett, *Malaria in Europe*, London, 1937, a work by A. Celli, published in Italian and translated into English, which I happened to read in the German version, *Die Malaria in ihrer Bedeutung für die Geschichte Roms u. des röm. Campagna*, Leipzig, 1929, and P. F. Russell, *Man's Mastery of Malaria*, London, 1955. W. H. S. Jones, *Malaria, a Neglected Factor in the History of Greece and Rome*, Cambridge, 1907 (with an essay by Major, later Sir Ronald, Ross), cited as *Malaria* I, first called attention to the possible importance of malaria in ancient history, a thesis elaborated in his *Malaria and Greek History*, Manchester, 1909 (= *Malaria* II), which leaves Italy out of account; evidence from Italy is more fully examined by Kind in *RE* xiv, 1930, 830 ff. and by P. Fraccaro, *Opuscula* ii. 337–78 (two articles first published in 1919 and 1928); the subject has been neglected since.

[2] *Italy, a Modern History*, Ann Arbor, 1959, 40, 233, 494.

[3] *Malaria* I 64 ff. (on Italy) and II *passim* (Greece).

[4] Russell 147 ff. cites Hdt. ii. 95; *Judith* x. 21; Varro, *RR* ii. 10. 8; Hor. *epodes* 9. 16; Prop. iii. 11. 45; Juv. iv. 80; Roman writers regarded mosquito nets as effeminate.

known, without the modern invention of insecticides there was no means to stamp out the disease by the destruction of the vectors; at most more care might have been taken to provide persons living or working in infested places with protective clothing or to exclude the mosquitoes from houses by nets. But as men were ignorant of the cause, no systematic attempts at prophylaxis, however inadequate, could be attempted. Quinine, derived from the bark of a tree found in South America, though long known, was not proved to be remedial until the nineteenth century; and before new drugs were brought into operation in the Second World War, quinine was the only remedy. In antiquity the victim of malaria depended only on his powers of natural resistance. We might then expect malaria to have had graver effects in antiquity than when quinine was in general use.

Malaria is a disease of which some forms can cause death among those who have not acquired immunity or tolerance by previous infections,[1] a class which includes all newly born children as well as adults who have lived exclusively in a non-malarious region. (There is believed to be some hereditary racial immunity, but only among the black peoples of Africa.) The importation of the disease into Mauritius in 1867 killed off one-eighth of the inhabitants in a single year. A death-rate of 4·32 per 1,000 has been reported in tropical Central America, where the disease has long been endemic, or 'holoendemic', i.e. transmitted at all times of the year. In Italy and most temperate regions, the mosquitoes hibernate and transmissions are confined to the summer and early autumn. In 1887–9 the average mortality exceeded 1 per 1,000 in certain parts of Italy, corresponding to the ancient Bruttium, much of Lucania, Calabria, most of Apulia, and part of the Tuscan coast; in the Campagna it ranged between 0·75 and 1. (These were still the most heavily infected areas in 1928–30, though the death-rate was by then very low, as a result of the increased use of quinine.) In temperate climates the disease would reach a peak every five or six years, when seasonal factors had led to a multiplication of the mosquitoes and when the effects of immunity secured from previous infections had subsided; in 1905, which was such an 'epidemic' year in Greece, 8,000 deaths occurred there, attributed to malaria.[2] But most of the victims of the disease do not die from it directly; they may be debilitated by repeated infections, and more readily succumb to other sicknesses. The effects of malaria are thus partly concealed. 'In a Sardinian town', L. W. Hackett wrote in 1937, 'people rarely go to bed on account of malaria. Infants are often acutely ill, but adults complain principally of a low fever which comes in the evening when they are tired from their work in the fields.' They may be perpetually below 'a normal state of well-being', incapable of great exertion, more susceptible to other infections; hence, where malaria is endemic, mortality is high.[3] But some persons are infected, and become infectious to others, without manifesting any symptoms

[1] Hackett, ch. VI and p. 145, on immunity; there is no cross-immunity even against different strains of the same species of parasite.

[2] For mortality figures see Russell, ch. 12; in Italy in 1919 there were 303,057 reported cases and 8,407 deaths. C. Seton-Watson, *Italy from Liberalism to Fascism* 311, notes that cheap quinine was made available after 1901 and that between 1900–2 and 1912–14 the death-rate from malaria in Basilicata fell from 183·7 per 100,000 to 25·6. Map of malaria in Italy, Hackett 97. Periodic peaks, 256 ff.; in Italy, 228.

[3] Hackett 174, 237.

at all.[1] Evidently the powers of natural resistance vary from one individual to another. It is a reasonable hypothesis that better living conditions, though they cannot extinguish the disease,[2] may mitigate its effects. However, the conditions under which the masses lived in ancient Italy were too wretched for this to have been a factor relevant to our inquiry.

It is not a simple matter to determine whether malaria was present at a given time and place in antiquity. The eminent Italian malariologist, A. Celli, in a review of the history of malaria in the Roman Campagna, argued that it was endemic as early as the fifth century from references to plagues among the local population in the annalists' accounts of that time (p. 611 n. 1). It is possible that the records kept by the Pontifex Maximus noted the occurrence of plagues as visitations of divine wrath, and that Livy or Dionysius had some basis for their accounts. But the pontifical records are quite unlikely to have described the symptoms of these plagues, and even if they did, Livy and Dionysius have not preserved such descriptions. We cannot then safely identify these early pestilences with malaria.

Jones insisted that to prove that malaria existed at a particular time and place only allusions to the specific symptoms of the disease, to periodic fevers (quartan, tertian, or quotidian), to enlargement of the spleen and to the anaemic complexion which is the mark of malarial cachexia, the effect of repeated attacks, constituted valid evidence; in addition, references to the peculiarly unhealthy character of regions in which the mosquitoes are likely to have proliferated could be regarded as significant.[3]

Now the specific symptoms of malaria are clearly delineated in early Hippocratic treatises (where we also find allusions to unhealthy and probably malarial sites), and there are passing references to them in Sophocles, Plato, Demosthenes, and Aristotle.[4] It is therefore certain that malaria existed in Greek lands by the late fifth century. Jones believed that it had been newly imported at that time. For reasons that will appear later this would seem to imply that it had not long been present in the Nile valley or nearer Asia, where it has raged in modern times, since the Greeks had been in frequent contact with those countries for centuries. Fraccaro sought confirmation of this in the fact that there are no clearly identifiable references to malaria in ancient Egyptian or Babylonian texts.[5] This argument has little force for two reasons. First, it is admittedly very hard to interpret the texts in question. Secondly, if malaria were already endemic, it might have seemed to be part of the natural order and evoked little attention or comment. Jones also showed that there were no allusions to a disease that can only be malaria in Greek literature earlier than the late fifth century. But it does not follow from this that malaria was as yet unknown in Greece. Outside medical writings, clear references to malaria are uncommon in Greek

[1] Hackett 76, 152, 240 ff.

[2] Hackett 29 ff., cf. esp. 38 for the contrast of Fiumicino (malarial) and Valdichiana (immune); in the former houses were modern and hygienic, in the latter medieval structures.

[3] Jones II, ch. II; Kind 836 is even more cautious.

[4] Jones II, chs. II and III; see esp. Hipp. *Airs, Waters, Places* 7; *Epid.* i. 2, 5, 6, 24; *Aph.* 3. 22, 4. 59; *Nature of Man* 15; Soph. fr. 466 N.²; Plato, *Tim.* 86 a; Dem. ix. 29; Arist. *Probl.* i. 19.

[5] pp. 359 ff. Hdt. ii. 95 perhaps suggests malaria in fifth-century Egypt.

and Latin even from the time when its presence is beyond doubt. There was no reason why epic or lyric poets should speak of periodic fevers or any of the other specific symptoms. The *argumentum e silentio* is not cogent. Jones also maintained that the appearance of malaria in the fifth century explains Greek decline. Impressed by the miserable physique of the victims of malarial cachexia in modern Greece, he argued that the ancient Greeks could never have evolved their ideal of the human form, if they too had been subject to its debilitating effects.[1] This argument fails, because it is quite certain that the Greeks continued to produce hardy soldiers and to entertain a passion for athletics long after the disease had penetrated their country. One thinks, in particular, of the Theban sacred band, since in the modern era Boeotia has been a specially infested area. Jones indeed noted that by *c.* 200 the Boeotians, according to Polybius, had mysteriously declined. Yet if malaria had become endemic in Greece by 400, and had had the baneful effects Jones ascribes to it, it should have been ruinous to Thebes before she reached the heyday of her power. Indeed the Macedonian soldiers who were to cross the Hindu-Kush under Alexander, even if they had been immune in their homelands (which were malarial in this century), would have been infected in Boeotia, when campaigning there in 338 and 335. Jones also suggests that the depopulation of Greece in the time of Polybius was due to malaria; but Polybius expressly ascribes it to family limitation and denies that it was caused by pestilential conditions.[2] Nor is there any reason to invoke any new factor, operating for the first time in the late fifth century, to explain Greek *political* decay; it is enough to point to the political disunity, and the unceasing wars and revolutions. And *culturally*, the Greeks of even the third century were not so decadent as those scholars tend to think, whose vision is bounded by art and literature; it was then that some Greek scientific achievements reached their zenith.

Thus none of Jones's arguments show that malaria was not introduced into Greece until the fifth century. We might indeed expect that if he were right there would then have been an epidemic of catastrophic proportions. One such epidemic is recorded, the great plague at Athens of 430–427, but the symptoms described by Thucydides are not those of malaria. Enough is known of the period to exclude the possibility that there was any unrecorded great epidemic. Jones construed some lines of Aristophanes to relate to malaria; whatever the disease was, they show that adults were among the victims, and malaria, when endemic, is most prevalent in children.[3] However, adults would certainly be affected in one of the peak years of endemic malaria, and there is nothing in the texts cited to show that the illness was very grave.[4] It seems to me most probable from the absence of any indication that malaria was a serious new phenomenon in or after the late fifth

[1] I find nothing as horrific as modern descriptions of malarial cachexia, in, e.g., *Airs, Waters, Places*, 7. Hackett 237 defines it as 'a condition of complete exhaustion of the natural power of resistance to the infection'; the victims have no fever but are in a grave condition.

[2] Jones II. 94 ff. on Pol. xx. 4; xxxvi. 17.

[3] *Ach.* 1165; *Wasps* 275 ff.; 812 f.; fr. 315 Dindorf. Kind 843 was rightly hesitant.

[4] Hackett 277 says that 'even to a person already infected with malaria new infections bring serious consequences. Inoculation with a different species or a different strain of *plasmodia* is like contracting a new disease.' The periodic peaks seem to be due to relapses of previously infected persons.

century, a period for which we have fairly copious evidence, that it had been present in Greece in earlier times; how much earlier we cannot of course tell.

I have discussed the Greek evidence at some length, because if it was present in Greece, it cannot long have been absent from Italy, after Greeks began to settle in the south of the peninsula; on the generally received view, their earliest colonies date from the eighth century. Once it was established in the south, contacts with Greek immigrants and traders and mercenaries must have gradually disseminated it northwards.

Anopheline mosquitoes are ubiquitous at present in every country. It is true that of some 3,000 species few are efficient carriers of the parasites, but some dangerous species are to be found everywhere. In Italy the vectors are of the *maculipennis* group, of which several species have been distinguished; in this century only *elutus* and *labranchiae* appear normally to be dangerous, since they alone are nearly as prone to feed on human as on animal blood, but the other varieties can all carry the parasites; it seems to be only because they prefer animal blood that they have ceased to infect humans, wherever livestock are stabled close to dwelling-houses in sufficient numbers to provide them with the food they need.[1] Now it is generally and rightly held that in ancient Italy arable farms were deficient in livestock, and that most of the cattle were not stabled but migrated between upland pastures in the summer and open fields in the winter, while pigs commonly grazed in forests.[2] It is thus likely that even those species of *maculipennis* which are relatively harmless today had to resort to human blood in antiquity.[3] The mosquitoes can indeed only be infected by the parasites, if they bite an infectious human; the life-cycle of the parasite is divided between the human and the insect host. But once numerous infected humans appear in a region where there are potential vectors, the disease may be expected to spread. For instance, epidemics of malaria were spread in Czechoslovakia and in the Volga basin by infected soldiers returning after the First World War.[4] In Czechoslovakia it died out without any specific preventive measures, because (it is presumed) the anophelines soon returned to their preferred animal diet. In ancient Italy, or in those parts of it in which the anophelines proliferated, the disease had certainly taken root by the first century B.C., and it could hardly have been eliminated, nor its extension prevented, once it had been introduced in any part of the peninsula. It is true that it rather mysteriously disappeared in nearly all parts of northern

[1] Hackett, ch. III. I take the number of species from Mr. Shute. Professor Sir Vincent Wigglesworth tells me that *superpictus* caused malaria in the mountainous parts of the south. [2] *Cambridge Economic History* i, ch. III (Parain).

[3] Species harmless in Italy propagated endemic malaria in Rumania and Russia, apparently through the paucity of domestic animals, and after 1918 an epidemic in Czechoslovakia (Hackett 62 f., 88 f.). Hackett 31, 62, 273 f. comments on the absence of malaria near Naples and Pisa, thanks to the prevalence of harmless anophelines; but in an earlier age, with fewer domestic animals, malaria need not have been absent there, and it is apparently attested in medieval Pisa (p. 624).

[4] Hackett 88, 222. For war as a cause of the extension of malaria see also 71 and Russell 185 f. Jones II. 13 noted the high degree of infection (27·8 to 44·8 per cent) in the Greek army in 1896–1905; crowded together, soldiers are more liable to infection, and they spread the disease where it had existed not at all or at a low level. The killing off of animals (as by D. Brutus at Mutina, p. 286 n. 3) would also force zoophilic mosquitoes to seek human blood.

Europe where it was endemic, despite the absence of any deliberate attack on it; the causes must presumably be found in agricultural changes which destroyed the breeding grounds of the mosquitoes and in the increase of domestic animals which diverted them from biting humans.[1] (It seems impossible to ascribe the change to an improvement in living conditions, though that may have mitigated the effects of the disease, since malaria has been found in modern times among European people, no worse fed, housed, and clothed than their more fortunate neighbours.[2] In any event, the living standards in ancient Italy were extremely low.)

Fraccaro held that southern Italy cannot have been malarial when the Greek colonists arrived, or they would have been killed off, like so many workers on the Panama canal or the ill-fated settlers of Darien, by a disease to which they had acquired no immunity or tolerance from previous infections.[3] This contention depends on the premiss that malaria was unknown in eighth-century Greece. But there is no good evidence for that premiss. If the Greek colonists were already malarial themselves, the malarial character of Sybaris would not have prevented them from settling there, nor have deterred them from selecting the site. In their experience malaria would have been one of the normal incidents of life, and the unhealthiness of the plain of Sybaris would not have been exceptional: its fertility was.

Jones himself conjectured that Sybaris became malarial before its fall *c.* 510 B.C. He cited a statement of Athenaeus that it used to be said there that anyone who wished to live his allotted span should not see the rising or setting of the sun: 'this advice', he says, 'is often given to dwellers in malarious regions, as chill is almost certain to precipitate an attack of fever and, further, mosquitoes bite at night.'[4] As they bite within doors, even more than without, the conjecture is precarious. But if it could be shown that Sybaris was malarious as early as the sixth century, it seems to be improbable that the extension of malaria in old Greece was delayed (as he thinks) until *c.* 430, or in central Italy until the late third century, given the frequency with which the Italiote Greeks were in contact both with their own homeland and with the native Italians to the north. There is also nothing to be said for the hypothesis that malaria was first introduced into central Italy by Hannibal's African soldiers.[5] It is indeed generally supposed that malaria originated in tropical lands and worked its way northwards; if so, it is plausible that malaria was present in north Africa before it reached Italy. But Carthaginians had been trading in Italy and Sicily for centuries before Hannibal, and their armies had campaigned in Sicily since the fifth century; from 264 they were fighting Romans there, and mosquitoes do not recognize the difference between African and Italian soldiers nor stay within one encampment. Moreover, once again, we hear of no catastrophic epidemic in the Hannibalic war. It is true that a pestilence is recorded in 209 in both city and country, of a kind that induced protracted sickness rather than a grave mortality, and that in 205 an epidemic

[1] According to Hackett 66 ff. the statistical chances against transmission are so high that the disease can only be maintained by an 'enormous number of man-loving anophelines'.

[2] See p. 613 n. 2. It was simply the presence of a sufficient number of mosquito vectors that made some places in Holland malarial, when others were immune, Hackett 31 ff.

[3] p. 363. [4] Jones II. 31 on Athen. xii. 519 f. [5] Jones I. 68 f.

immobilized both Roman and Carthaginian armies.[1] Just so, it might be said, allied and German armies in 1916 were immobilized by malaria on the Macedonian front (the French had five men sick out of every six). But French, British, and German troops were stricken by malaria in Macedonia, precisely because they had no acquired immunity.[2] Hannibal's Africans at least should not have been so much affected by a disease which, on the hypothesis now under consideration, they had themselves brought into central Italy. And it is somewhat odd, if the pestilences of 209 or 205 were malaria, that so many years should have elapsed before the outbreaks, since these infected Africans first entered Italy in 218. Nor is there any indication that the mortality in either year was on the scale attested in Mauritius when malaria was introduced (p. 612). The sharp fall in the census registrations by 204 can be adequately explained by war casualties coupled with a somewhat increased general mortality, of a kind to be expected when so many men were congregated in armies and when undernourishment must have been common (p. 67).

We cannot of course expect specific evidence for malaria in Italy before Latin literature begins in the second century. Then we find it, first in Plautus[3] and Terence.[4] It may be said that they were borrowing from Greek models, or if it be urged that their allusions should have been intelligible to Roman audiences, that Romans had become familiar with the disease abroad. So too it might be argued that the consul of 121, Q. Fabius Maximus, who suffered a quartan ague,[5] had contracted malaria outside Italy, and that if Cato's prescription of a quack remedy for an enlarged spleen indicates (as it probably does) that some of his slaves were malarious, they were foreigners.[6] But soldiers or imported slaves who were infected abroad would inevitably have spread the disease at home; and if it was not already endemic, we might expect to find evidence of a very severe outbreak of malaria. Now we are told of grave pestilences that raged in the 180s and the 170s (p. 73). But there is nothing to suggest that these were epidemics of malaria; certainly they were years after the return of the armies of Flamininus and Scipio, which had traversed malarious regions beyond the Adriatic and which had not been immobilized by the disease.

In the rather well-documented period of Roman history from 218 I can discover no point of time when malaria was introduced into Italy. But to say nothing of the scraps of evidence just cited, it is beyond question that it was present in the first century. Periodic fevers are attested by Asclepiades,[7] Cicero,[8] and Horace.[9] Caesar, Atticus, Tiro, perhaps Augustus were among the victims.[10] Medical writers and other allusions document it still more abundantly in the Principate.[11] It seems to me then probable that its origin in Italy goes back beyond

[1] Livy xxvii. 23. 6; xxix. 10. 1–3.
[2] Hackett 1.
[3] *Curc.* 17 (periodic fever).
[4] *Hec.* 357 (quotidian fever).
[5] Pliny, *NH* vii. 166 (quartan).
[6] *de agric.* 157. 7.
[7] *ap.* Cael. Aur. *a. m.* ii. 10. 63, quoted by Kind 844.
[8] *de nat. deor.* iii. 24 (tertian and quartan). Lucret. iv. 664 (enlarged spleen) is probably another testimony.
[9] *Sat.* ii. 3. 290 (quartan).
[10] Suet. *Caes.* 1 (quartan); *Aug.* 81 (no proof); Cic. *Att.* x. 15. 4 (quartan; Atticus was then aged sixty); *Fam* xvi 11. 1 (quartan).
[11] Kind 833 ff. quotes esp. Galen vii. 412 K.; 413 ff.; 427; 435; Celsus iii. 15. 6, cf. iii. 3 ff. Galen attests the 'semitertian' at Rome, apparently pernicious.

the time of which we have information, even though it is not justifiable to follow Celli in invoking the stories of early pestilences as confirmation that it already existed in and near Rome as early as the fifth century (*supra*). On this view malaria was not a new factor in Italian history which can be held to explain demographic decline among the native population of Italy after 225.

It must be emphasized that once there were infectious persons in the peninsula the evil would have spread, if only through the constant wars. Thus in the fourth century Greeks were persistently in conflict with their neighbours in Lucania and Apulia, and before 300 Romans and Latins too were already operating in the south; if malaria already existed there, they would have brought it back to their home country, whence it would have been communicated to the peoples of central and northern Italy whose soldiers were often at war with Rome, or sometimes fighting for her; moreover, Roman and Latin colonists would have transmitted it to the diverse parts of Italy where they were settled. But there is no positive reason to believe that malaria was not disseminated before the fourth century.

Some regions were regarded as particularly pestilential. Cicero praised Romulus for selecting a site for Rome 'in regione pestilenti salubrem';[1] Livy thought that the surrounding country was unhealthy in the fifth and fourth centuries (no doubt retrojecting, rightly or wrongly, the conditions with which he himself was familiar);[2] the neighbouring Ager Pupinius was described as at once arid and plague-stricken;[3] and Horace spoke of seeking refuge in his hill farm from the fevers that beset city dwellers in summer and autumn; he notes that children were particularly at risk.[4] Cicero indeed implies that the hills on which the city was originally built remained healthy, but most of the urban population had to live in the valleys, such as the Vatican district, notoriously malarious in the seventeenth century, where Vitellius' Rhinelanders had died fast in A.D. 69.[5] Strabo characterizes the Latin coast from Lavinium to Circeii, and also the interior round Setia, adjoining the Pontine marshes, as insalubrious; indeed the whole of the plain connecting Rome with the sea. Ovid calls Minturnae 'graves'.[6] It looks as if the Campagna was already infested. Likewise the Maremma; the colony of Graviscae, founded in 181, had its name according to the contemporary, Cato, because its air was 'gravis'; Virgil called it 'intempestae', an epithet Servius explained as 'unhealthy'.[7] The whole Etruscan coast had a bad name by A.D. 100, and the younger Pliny had to disabuse a correspondent of the notion that all Etruria, even the upper Tiber valley, deserved the same repute.[8] Strabo says that Paestum was made unhealthy by the river that spread out into marshes in its vicinity.[9] Cicero

[1] *de Rep.* ii. 6, cf. Livy v. 54. 4. [2] vii. 38. 7.

[3] p. 348 n. 8. Puddles in dried-up watercourses could harbour anopheline in arid country.

[4] *Sat.* ii. 6. 16 ff.; *Ep.* i. 7. 5 ff., 16. 15 f.; perhaps *Odes* ii. 14. 15; iii. 29. 17 ff.

[5] Tac. *Hist.* ii. 93; great mortality among 'Germanorum Gallorumque obnoxia morbis corpora'.

[6] Strabo v. 3. 5 and 12; Ovid, *Met.* xv. 716. Cf. Vitruv. i. 4. 12. Strabo thought the Latin coast more unhealthy than the interior plains.

[7] Cato, *Orig.*, *fr.* 46 quoted by Servius on *Aen.* x. 184; cf. Rutil. *de red. suo* 282 on the 'aestivae paludis odor'.

[8] *Ep.* v. 6. 2. Sherwin-White cites Sidon. *Ep.* i. 5, 8, perhaps derivative.

[9] v. 4. 13.

envisaged in 63 that lands might be allotted to the poor in pestilential regions, just as Sulla's veterans (we are told) had been settled in woods and *marshes*; he instanced the country of Apulian Salapia.[1] These are chance allusions; naturally we have no exhaustive list. It is not unreasonable to think that malaria already extended at least to those parts of Italy where it has since been extremely prevalent (p. 612).

There are some suggestive passages in the extant agricultural writings. Cato advised that a farm should be purchased only in healthy lands and referred to the possibility that an owner might need to build a villa in 'a pestilential situation, where the work cannot be done in the summer'.[2] His interests seem to have been confined to Latium and Campania. His successors wrote for the rich who might invest in farms in any part of the country. Varro held that, however fertile land might be, it was unprofitable, if unhealthy: 'where the reckoning is with death, it is not only the crops that are at risk but the lives of the (slave) cultivators.' One of the interlocutors in his dialogue suggests that such land should be sold for what it would fetch, or simply abandoned. Another, Tremellius Scrofa, a writer on agriculture whose true views are perhaps repeated, argues that the risks can be reduced if a villa is built so as not to face the infected wind, on high ground, where it is exposed to the sun all the day, 'as any insects which are bred near by and brought in are either blown away or soon die from lack of moisture'. As the anopheline mosquitoes prefer still, dark and undisturbed conditions, cannot readily fly against a prevailing wind and do not travel far or high, these precautions would have had a certain efficacy. Varro thought that disease arose from malodorous exhalations from land or water, and recommended against building near swamps, partly (it would seem) because of the stench, but 'also because some tiny creatures breed there, which we cannot see but which fly through the air and enter our bodies by the nose and mouth and cause diseases hard to treat'.[3] Columella, a century later, also held that stagnant water was laden with death, and that a villa should not be sited near marshes, which stink in hot weather and breed stinging insects and plagues of swimming and crawling things 'from which are often contracted mysterious diseases whose causes are beyond the understanding of physicians'.[4] The anophelines have a predilection for stagnant water,[5] though the dangerous Italian varieties can breed on the edge of running streams (and also prefer saline water).[6] It looks as if the agronomists were concerned with malaria and even had the germ of the true idea that it was

[1] *leg. agr.* ii. 71, cf. Vitruv. i. 4. 12.

[2] *de agric.* i. 2, 14. 5. (I see no significance in 141; the recommendations in 155 would indirectly have interfered with breeding grounds of mosquitoes.)

[3] *RR* i. 2. 8, 4. 3 ff., 6. 6, 12. The large villas Varro envisages had stables nearby (i. 13), and their owners thus gained some protection against zoophilic anophelines which small farmers with few or no animals lacked.

[4] i. 5 *passim*.

[5] The Roman view that swampy lands were dangerous to health goes back to Hippocrates (Kind 838). Cf. Vitruv. i. 4. 1.

[6] Hackett 17; the reclamation of the Tiber delta in 1885–9, which involved the construction of numerous canals and ditches, actually favoured the propagation of the anophelines (ibid. 15), as the digging of the canal close to the Via Appia (Strabo v. 3. 6), perhaps part of Caesar's abortive project to drain the Pontine marshes, may have done. Preference for saline water, Hackett 97.

transmitted by insects. But there is perhaps some room for doubt. The elder Pliny too repeats advice (which he ascribes to a consul of the third century) against buying unhealthy land and building near swamps, but he adds that 'the health of a district is not always revealed by the complexion of the inhabitants, since people carry on even in pestilential places, when they are used to the conditions', and that a place cannot be regarded as healthy unless it is so at all seasons of the year.[1] Now it is plausible to hold that he had in mind lands which were unhealthy only in high summer and early autumn, the normal malarial period in temperate climates, and that his allusion to a bad complexion shows that he was familiar with the anaemic condition of the victims of chronic malaria; but his words also show that there were unhealthy spots in which the inhabitants did not manifest this characteristic of malarial infection, and that there was probably some other cause of insalubrity in certain districts. If that be so, the mere fact that a place is called pestilential is not in itself proof of the presence of malaria.

Leaving this reservation out of account, we may also note that the agronomists recommended that pestilential lands should be leased to free tenants, not worked by slaves.[2] In the past, I have assumed that this advice was merely prompted by the fact that the owner had not to meet the costs of amortization, when the cultivators were free men. But Pliny's remark that men can carry on when they are used to the conditions must also be borne in mind. The natives of a malarial region would have acquired a high degree of tolerance, if they survived childhood; slaves imported from northern Europe, as they often were, would have been particularly vulnerable. It must be added that the advice of the agronomists was frequently unheeded (*infra*).

They do not hint that there was any whole region of Italy in which all the land was healthy. They do not, for instance, tell their readers that it is quite safe to buy a farm in Campania. In the twentieth century the predilection of the anophelines now found near Naples for animal blood meant that that fertile region was almost free of malaria, but the area in Campania to the north was infested.[3]

Fraccaro argued that north Italy was immune. His argument was weak. He noted that Caesar's soldiers who had long been stationed in Gaul or north Italy and were partly recruited in the north were subject to a serious epidemic, when encamped near Brundisium in summer 48, and he supposed that the epidemic was malaria.[4] It can be fairly assumed that this region was malarious in 48, as in modern times, but we have no details at all of the sickness from which the soldiers suffered. In

[1] *NH* xviii. 27, 33.

[2] Varro, *RR* i. 17. 3; Col. i. 7. 4–6.

[3] W. Sombart, the great economic historian, in his early work which I read in the Italian translation, *La Campagna romana*, 1891, noted from the *Inchiesta Agraria* of the 1880s that malaria flourished in some of the richest and most intensively cultivated parts of Italy such as Campania Felix, while some pastoral areas were not infested, cf. Jones II. 19, 86 on modern Greece. Irrigation ditches might facilitate the breeding of the anophelines.

[4] p. 364 on Caesar, *BC* iii. 2. 3: 'gravis autumnus in Apulia circumque Brundisium ex saluberrimis Galliae et Hispaniae regionibus omnem exercitum valetudine temptaverat'; 87. 2 (Labienus' exaggerations). Perhaps a quarter were incapacitated, cf. p. 690. Many of the invalids recovered later, *B. Alex.* 44. 4. The fact that one of Caesar's legions was reduced to a quarter of its strength (ibid. 69) by 47 could have been due to malarial relapses.

the 1880s malaria was negligible in much of Emilia and on the Ligurian coast, but not in or north of the Po valley; and there was a bad patch in the river delta. In view of the frequent intercourse between the Po valley and peninsular Italy in the Republic, it seems hardly conceivable that malaria should have been endemic near Rome and not have affected the north. On the other hand, the most virulent of the malarial parasites found in modern Italy, *plasmodium falciparum*, requires for its reproduction a higher temperature than the mean that obtains in the Po valley; the indigenous forms of malaria in this region were those induced by *plasmodium vivax* and *plasmodium malariae* (also found of course in the south), which tend to be weakening rather than pernicious.[1] If then Caesar's soldiers suffered from malaria, it might be that they were infected in Apulia by the more virulent *plasmodium falciparum*; as there is no cross-immunity, we could not conclude that they had not been exposed to milder forms of the disease. Fraccaro also invoked in support of his hypothesis Strabo's statement that it was a marvel that Ravenna, like Alexandria, was signally healthy, although situated among marshes; he explained this by the fact that the waters were not stagnant. It does not seem to be significant that he does not make the same remark of other cities in the Po delta surrounded by canals and swamps, for Vitruvius says that they were all unbelievably healthy and offers the same explanation.[2] Yet in modern times the Po delta was very malarious, unlike most parts of north Italy. However, if malaria was endemic in all regions known to these writers (not in every part of each region), these cities might have seemed notably salubrious, if the forms that malaria took seldom caused death.

There would indeed have been no point in warnings against the purchase of unhealthy land if all land had been equally unhealthy. In each region there were presumably malarious and uninfested patches; the prevalence of the disease must have been determined by the abundance of anophelines; for the reason given before, even the zoophilic varieties can hardly have been harmless in those days. As malaria took milder forms where the climate was colder, the regions concerned may have been regarded as relatively healthy. If we suppose that the more virulent form of malaria must have had as serious effects on physique as in modern experience, we could argue that it is no accident that from Augustus' time such soldiers as were recruited in Italy at all came with few exceptions from the north (including Etruria and Umbria), and not from the south, where malaria has claimed more victims in the last hundred years, and where many of those victims were infected by *plasmodium falciparum*. However, if malaria had been endemic in the south for centuries before Augustus, in times when there was no lack of good recruits there, it seems strange that its ill effects should have developed so suddenly and so late.

It is also too facile to explain the alleged depopulation of parts of Etruria and of the south by the intrusion of malaria.[3] True, the regions which are said to have

[1] Information from Mr. Shute. Hackett 215 shows that some malaria in Venetia was induced by *falciparum*. *Vivax* induces benign tertian, *malariae* quartan; the more severe kind caused by *falciparum* is apparently described by ancient medical writers as semitertian (Kind 835).

[2] v. 1. 7, cf. xvii. 1. 7; Vitruv. i. 4. 12.

[3] For what follows see Chapter XX.

become empty of inhabitants were those in which malaria has been most prevalent in modern times. But closer inspection suggests that many were empty only of citizens and that they were populated, perhaps fairly densely, by slaves, despite the advice the agronomists gave, to leave pestilential farms to free tenants. Moreover luxury villas, to which the great resorted, were frequently built in what should have been the most malarial places. For instance, although the Latin colony of Cosa, situated in the Maremma, one of the most malarial parts of Italy, was deserted by the late Republic, great villas have been discovered here on the coast and at the foot of the hill on which the colony had stood; by the third century A.D. a new town grew up in the plain there (Succosa), obviously on a site less healthy than that of the colony.[1] It was also on this notoriously insalubrious coast that Verginius Rufus was to place his villa at Alsium and Trajan one at Centum Cellae; earlier, P. Clodius had coveted a seat near Grosseto.[2] The country south of the Tiber, where Pliny had his suburban mansion, was to be known as 'the field of death'; it lay close to the area which Strabo had marked as pestilential.[3] And within that very area there were Republican and imperial villas, on the roads approaching Rome, for five miles along the coast at Ardea, at Astura near by, where Cicero, Augustus, and Tiberius retired, at Circeii and at Tarracina, a city 'lying open to the (Pontine) marshes', where a censor had had his estates as early as 179 B.C. All these places were constantly visited by the magnates with hordes of domestics. Nor were the pestilential areas uncultivated; near Rome there were market gardens yielding rich returns and requiring more labour per acre than the growing of cereals; Columella had a vineyard at Ardea, and the famous Setian and Caecuban wines were made in the marshlands.[4] Of course we have far more information about the Campagna than about some of the even more malarial lands (to judge from modern times) in the deep south, but here too the archaeological evidence analysed by Kahrstedt, though it may fail to prove that the free population was not very thin, shows that there was far more settlement than has been commonly supposed, with slaves perhaps predominating (Chapter XX). It remains true, indeed, in my opinion that pasturage had greatly encroached on cultivation, but this seems to have had its origin in political changes and the higher profits expected from stockbreeding.[5] In so far as depopulation actually occurred (as distinct from a replacement of free men by slaves), it would be hazardous to attribute it to malaria, which has often been the bane of inhabitants in fertile and well-cultivated country, yet not prevented them from

[1] For Succosa and the neighbouring villas see F. E. Brown (p. 85 n. 5).

[2] Plin. *Ep.* vi. 10. 1, 31. 15; Cic. *Mil.* 74.

[3] Hdn. i. 12. 2 thought the district particularly salubrious; Nissen ii. 575 comments that 'to our time (1902) this sounds like an old wives' tale'. Cf. Jones I. 74; II. 54 on Herodes Atticus' villa in a malarious part of Attica (Gell. xviii. 10).

[4] See p. 347. There were even villas on the edge of the Pontine marshes, Nissen ii. 634. T. Ashby, *Roman Campagna* 104, notes that Hadrian's villas were malarious in medieval and modern times.

[5] It is true that Varro thought that lands might have to be abandoned as pestilential (p. 619) and that Cicero envisages the distribution of such lands, apparently empty of (free?) cultivators, under Rullus' bill of 63 (*leg. agr.* i. 15; ii. 71). Perhaps once lands had fallen out of cultivation for economic reasons or as a result of wars, anophelines proliferated and it became virtually impossible to re-people them.

multiplying. Malaria certainly did not stop the continuous growth of population in Italy since about 1660.[1]

It also seems clear that Italians who defeated Hannibal, conquered the Near East and Gaul, and fought each other furiously in the 80s and 49–30 were not physically effete. Malarial sufferers from the upper class, such as Atticus and Caesar who retained their vigour till late in life, enjoyed high living standards which may have assisted them to counter the disease; but the mass of Italians were on a level close to subsistence and yet do not appear to have been subject to that degeneration which has been observed in parts of modern Europe where the disease was endemic.

Celli advanced the theory that malaria has had phases in which it has been more and less pernicious. Supposing that it existed from the earliest times in Latium, he argued that it could not have been a serious evil at first, when (he believed) the country was thickly populated and when it may have been held at bay by the excellent drainage, of which the *cuniculi* afford archaeological remains. He thought that the disappearance of most of the original Latin towns showed that it gained ground in the middle Republic, and that the Campagna became desolate; the siting of villas proves that it had become less harmful by the first century B.C. (In fact we have no means of knowing what changes there were in the total population between the fifth and second centuries before Christ; the synoecism of towns, as of Rome itself and Alba, did not necessarily or probably mean that the countryside was less densely settled, and the undoubted decline in the number of free persons may have been amply compensated at all stages by the accretion of slaves.) Celli also held that in medieval and modern times the Campagna had been more than once deserted, resettled, and then abandoned again; thus, it was well populated in the fifth and sixth centuries, largely vacated in the seventh, resettled in the eighth, partly abandoned in the tenth, prosperous in the fourteenth, and in steady decline from the sixteenth. Celli was an eminent malariologist, not a professional historian, and I am too ignorant of the conditions of all these ages to see clearly whether the alternations in settlement, if correctly described by Celli, can only or best be explained by the hypothesis of recrudescences of malaria, rather than by other causes, military, political, or economic; for instance lands could have been abandoned at one time because of the danger of Saracen raids; certainly, it seems to me that Celli is too ready to identify vaguely described pestilences as epidemics of malaria. But it is at least striking that in the sixteenth century the Papal court hunted in late summer without ill effects where there was later a malarial swamp, that the once unhealthy Vatican became the residence of the Popes, and that we hear of no sickness among the workmen employed on the buildings nor among the cardinals who assembled for conclaves, whereas within a hundred years there were grave mortalities in conclaves and the Popes deserted the Vatican for the Quirinal. Similarly in the Renaissance numerous villas were built on the coast, which fell into ruins by the nineteenth century.[2] J. Delumeau has calculated that in 1537 some 110,000

[1] See p. 620 n. 3. Population: Cipolla, *PH* 571 ff., who does not mention malaria; before *c.* 1660 growth had been retarded by great plagues, which mysteriously ceased their visitations.

[2] Celli 32 ff.; the graph in Hackett 7 illustrates his thesis.

people lived in the Campagna, already fewer than in the thirteenth century, as against only 1,000 in 1900. Early in the sixteenth century grain was still grown for export; by its end, witnesses speak of desolation, and mortality was high.[1]

So too it has recently been reckoned that the population of Pisa grew from 11,000 in 1164 to 38,000 in 1293, although malaria is clearly attested in the plain, surrounded by waters and marshes, as early as 1200. (Probably it had been present since antiquity.) 'Only with the population increase after 1250 does malaria work its foul havoc', finally depriving the citizens of their energies and leading to a decline in population, which fell by 1,550 to 8,600. However, there was also a substitution of pasturage for arable, partly at least due to economic measures which made it more profitable to raise stock than to grow cereals. The contribution malaria made to the decline cannot be measured, and it might be doubted if it was significant. If it was, the history of medieval Pisa seems to support Celli's theory of secular cycles.[2]

In the Campagna, as in other districts where malaria had taken hold in classical times, it can never have been extinguished until the large-scale use of insecticides in recent years; so long as the districts continued to be inhabited by both men and anophelines, there was no way of breaking the chain of transmission of the parasites. But we know that the Campagna, for instance, was continuously inhabited by men, and we must surely assume that anophelines infested the region at all times; agricultural changes or drainage operations could only have made them more or less abundant. Malaria should thus have been continuously present throughout periods in which the prosperity and density of the population fluctuated sharply, and these fluctuations must therefore be explained either by quite other factors or by some change in the character of the disease. On both views malaria was a less decisive historical influence than Jones, for instance, claimed. The second view, which Celli suggested, seems to imply that there have been mutations in the parasites or perhaps in the mosquitoes, making them less efficient as vectors, as a result of which the disease has taken over long periods milder forms than those which the modern investigator can observe. No such hypothesis can be verified, since the evidence lies in the irrecoverable past; at most some analogy may be found in the future.

[1] J. Delumeau, *La Vie écon. et sociale de Rome dans la seconde moitié du XVI^e siècle*, 1959, ii. 521 ff., drawing on Tomassetti, *La Campagna romana*. Export of grain, ibid. 536 f.

[2] D. Herlihy, *Pisa in Early Renaissance*, 1958, ch. III.

PART FOUR

19. HOW THE ROMAN LEVY WAS CONDUCTED

POLYBIUS gives the following account of the *dilectus*, which ostensibly relates to his time.[1] Each year the consuls issued an edict stating the day on which all *iuniores* must appear (vi. 19. 5). On that day all men of military age presented themselves at Rome and were assembled on the Capitol (ibid. 7). The 24 military tribunes were distributed among 4 legions under a procedure described in detail. The tribunes of each legion then took up separate posts and called the tribes before them in an order determined by lot (20. 1–2). From each tribe in succession they picked out four men of equal age and fitness, and assigned one of them to each legion. This process was then repeated, each legion in turn having first pick from each group of four, until the legions had reached full strength, 4,200 foot or, in case of emergency, 5,000 (20. 3–8). The enrolment of 300 horse had once taken place after that of the foot, but now took precedence (20. 9). When the levy was complete, the tribunes of each legion administered an oath to a selected soldier that he would obey the orders of his commanders; the other legionaries came forward in turn and swore that they would do as the first man (21. 1–3). In the meantime the consuls had instructed the allies to furnish contingents of a specified size, to muster at a place and on a day they named (21. 4–5). Polybius evidently does not mean that they were to muster at Rome on the day of the Roman *dilectus*, but rather on the day on which the legions were actually to mobilize, which might be some time after their enrolment; after administering the oaths, the tribunes of each legion tell the men the day and place where they are to assemble for duty and dismiss them for the time being (21. 6).[2]

Polybius purports only to describe a normal levy; in some years more than four legions were raised. Even with this qualification, it is not easy to credit his account.

(i) The number of *assidui* was about 100,000 in 218 (pp. 64 ff.), and can hardly have fallen below 75,000 in Polybius' own time; it was not convenient, nor (one would have thought) necessary, to convene all these men, from often distant homes, to Rome on a single day, where there would have been much difficulty in feeding and lodging them, more particularly if it was intended to enlist only some 20,000 of them. Eduard Meyer rightly remarked that such a practice was senseless and impractical in Polybius' day.[3] But his conjecture that from

[1] Polyb. vi. 19–21 with Walbank's notes, cf. *RE* v. 591 ff. (Liebenam); Marquardt, *Röm. Staatsverwaltung*[2] ii. 380 ff.; Kromayer and Veith, *Heerwesen u. Kriegführung der Gr. u. Römer* 302 ff.

[2] They were not necessarily to reassemble at Rome, cf. Polyb. vi. 26. 1–3; Livy xxii. 11. 3; xxxi. 11. 1; xxxiv. 56. 3; xxxvii. 4. 1; xlii. 10. 10; xlii. 27. 5.

[3] *Kl. Schr.* ii, 1924, 225 f., cf. Veith (cited in note 1). See also Taylor, *VD* 13 and p. 630 for levy in 181.

c. 153 B.C. it had been largely abandoned in favour of voluntary enlistment is wholly contrary to the evidence (pp. 393 ff.). Moreover, it would have been quite as difficult to conduct the levy in the way Polybius describes as far back as the middle of the third century, or even earlier.

(ii) There was no room for so many men to assemble and be deployed tribe by tribe on the Capitol.[1] In the late Republic the scene of the levy was the Campus Martius,[2] and the annalists project this into the fifth century.[3] Naturally they may be guilty here of anachronism; Polybius may be taken to show that at one time the muster had been on the Capitol. But it is inconceivable that the proceedings there were just as he describes as late as the Hannibalic war or his own day.

Livy too indicates that some part of the procedure of the *dilectus* occurred on the Capitol when he says that in 210 the consul, M. Marcellus, 'in Capitolium ad dilectum discessit'; he may refer to mere formalities. There is a more revealing passage in his account of the year 193; there the consul, Q. Minucius, published an order that the magistrates and representatives of the allied and Latin peoples who were bound to supply soldiers should meet him on the Capitol, and when they did so, he allocated between these peoples his demands for contingents to the number of 15,000 foot and 500 horse, and ordered them to leave at once to raise these troops.[4] If it is plausible to believe that some at least of the legionary foot and horse were levied by municipal authorities (*infra*), we might hold that their representatives were also convened to meet the consul on the Capitol and that the quota of troops demanded from them was fixed in discussions there. The Capitol was no doubt chosen because it had once been the place where the *dilectus* was held, and it may have continued in Polybius' time to have been the place where soldiers resident in the city itself or its immediate environs were called up, for these citizens were not under any municipal authorities but directly subject to the magistrates of Rome. However, they would constitute only a quota of the complement of a legion.[5]

The difficulties in Polybius' account might indeed be mitigated if we suppose that he has simply omitted to record that the *dilectus* spread over several days. Livy mentions one occasion, in 169, when the levy was completed, presumably with unusual speed, in 11 days.[6] If different tribes, or local subsections of tribes, were convened to arrive at Rome on different dates, and called up to the Capitol in manageable groups, the procedure described by Polybius may become

[1] For levy on Capitol in 275 cf. Varro *ap.* Nonius 28 *L.* (p. 628 n. 5), probably based on antiquarian assumption that the levy was still held there; the incident cannot have been recorded in detail. In the earliest times, when the enemy might be close to the city, it was prudent for the army to be organized behind the shelter of the walls, and not outside in the Campus Martius; later, there was no practical advantage to match the inconvenience of this. But if, as seems natural, the levy was accompanied by some religious ceremony, that ceremony could by conservatism still have been performed on the Capitol, and vestiges of the old procedure of enrolment would persist in the same place.

[2] Dio fr. 109. 5 (82 B.C.); Varro, *RR* iii. 2. 4.

[3] Livy iii. 69. 6 (446); Dion. Hal. viii. 87. 4 ff. (473).

[4] Livy xxvi. 31. 11; xxxiv. 56. 5 ff.

[5] A small quota to judge from the difficulty in raising troops in the emergency after Cannae, cf. p. 64.

[6] xliii. 15. 1. (I would not maintain that the statement is reliable, except in so far as the assumption made, that a levy extended over several days, must be correct.)

conceivable. But it remained unnecessarily inconvenient to summon, let us say, all *iuniores* from Picenum to Rome, in order to make a selection of them for service, and then to send them home again with orders to muster in, e.g., a month's time at Pisa (cf. p. 625 n. 2).

Polybius also suggests, though admittedly he does not explicitly state, that each tribe contributed the same number of recruits. This would have been a reasonable arrangement so long as the tribes were more or less equally populous. But by the third century they were already of very varied size.[1] Either Polybius or his source has failed to indicate how the *dilectus* by tribes was adjusted in consequence. Again, in the army as Polybius describes it, the poorest still served as *velites*,[2] and in the levy some account must have been taken of property. Polybius himself notes as an innovation that the *equites* who were enlisted from the rich were enrolled before the *pedites* in his day. At the earlier time when men were first enrolled and then selected for cavalry or infantry, it must have been necessary to ensure in the enrolment that enough men of property were enrolled to meet the need for cavalry.[3]

In my view Polybius' account of the *dilectus* is too unrealistic to be based on personal observation: more probably he is following an antiquarian description of an annalist, like Fabius' account of the Servian census. He has abbreviated this account, leaving out references to property qualifications. He has also adjusted it, where it concerns the *equites*, to later conditions. There is a similar adjustment in the reference to 24 military tribunes *a populo*, for the number was first raised to 16 in 311 and to 24 only at some later date, before 219, presumably in the period covered by Livy's second decad.[4] But these adjustments fail to make it credible even for the time of the Hannibalic war.[5]

Polybius' own account of the defence of Rome in 211 when Hannibal marched on the city also shows that his description of the *dilectus* in Book VI is misleading. He says that at that time by an unexpected coincidence, which helped to save the city, the consuls Fulvius and Sulpicius had already completed the enrolment of one *stratopedon* and had bound the soldiers by oath to come to Rome on the very day of Hannibal's encampment near Rome, while they were engaged in

[1] Even if new tribes created between the early fourth century and 241 were at first more nearly equal in numbers to the old tribes than generally supposed (Taylor, *VD* 47 ff.), the latter, except such as were augmented by the addition of exclaves, had not as good opportunities for growth (cf. Taylor, *AJP* lxxviii, 1957, 349), and the four urban tribes, though large, were probably mainly composed of freedmen, normally ineligible for the legions, and cannot then have supplied so many legionaries as most rural tribes.

[2] vi. 21. 7.

[3] vi. 20. 9, cf. Walbank, ad loc. Gabba, *Athen.* xxix, 1951, 251 ff. argues that Dion. Hal. iv. 19, which tells that under Servius the legions were recruited on the basis of the centuries, goes back to a good antiquarian source (whereas later in *Athen.* xxxix, 1961, 107 f. he holds that it depends on a post-Sullan oligarchic pamphlet) and that the tribal basis for the levy may be no earlier than the first Punic war. This cannot be proved.

[4] *RSt* ii². 575, citing Livy ix. 30. 3; xxvii. 36. 14; the second passage might, however, be read as meaning that 207 was the first year in which all the tribunes of the first four legions were elected.

[5] Walbank 699 calls Polybius' account over-schematic. For other passages in his description of the army which do not seem quite up to date cf. Walbank on 21. 7–8, 23. 1; p. 711 on the camp; M. J. V. Bell, *Historia* xiv. 404 ff. (at 414 f.); and see 671–6 on the size of legions.

enlisting troops for the other *stratopedon*. The term *stratopedon* in Polybius is ambiguous; it may mean either 'army' or 'legion'. Since it was normal for each consul to command 2 legions in the Hannibalic war, I take it here in the former sense; each of the consular armies mentioned thus consisted of 2 legions. The army already enrolled was in my judgement formed of the 2 *legiones urbanae* raised in 212; we can presume that they had just returned from winter furlough. The army now being raised must have been composed of 2 new *legiones urbanae*; recruits enlisted elsewhere (*infra*) were coming to Rome, where they would be formed into legions, to remain near the city for its protection during the campaigning season of 211. But, however this may be, it is evident that the consular *dilectus* of 211 did not require all men of military age, not already serving in the army, to come to Rome; or Polybius would have expressed himself differently and referred to the presence at Rome of all *iuniores* from whom the consuls were to choose soldiers.[1]

The *dilectus* must have involved two stages, the enlistment of recruits and their distribution into legions. It is the second which Polybius describes in detail. First, we are told how the 24 military tribunes were assigned to their legions, and then how they picked up the complement of their soldiers. If the tribunes were confronted not by the mass of all *iuniores* eligible for service, but by some 16,000–20,000 men already chosen to serve, the procedure they are said to have employed becomes rather more practical. On an average the number of recruits in each tribe would have been only rather less than 600, and it would have been relatively easy to pick out men of equivalent physique from groups of this size. For the preceding task of enlistment the method would have been quite inappropriate. This task Polybius has ignored. There is no room in his account for the hearing of a roll-call, to ensure that men liable for service were actually present, nor for the scrutiny of claims for exemption. In annalistic narratives we do hear of these matters, and even though they may often be fictitious, indeed must presumably always be inventions when they purport to describe events of the fifth and fourth centuries, they are surely based on some knowledge of the procedures in use in the historic period. Polybius must then be regarded as at best reliable on the distribution of recruits into legions; for the mode of recruitment we must look to other sources.

In Livy and elsewhere we hear that the magistrates concerned, consuls or dictator, acting in accordance with a decree of the senate, proclaimed that a *dilectus* was to be held[2] on an appointed day.[3] On that day they sat in curule chairs on their tribunal and had the names of *assidui* called from a roll (*citari nominatim*).[4] The *assidui* had to answer to their names (*ad nomina respondere*);[5] if they failed

[1] Pol. ix. 6. 6. For the meaning of *stratopedon* here see M. Gelzer, *Kl. Schr.* iii. 241 f. *Legiones urbanae* of 212, Livy xxv. 3. 7 (enlisted by the consuls, even when they were to command other armies, cf. xxiii. 14. 2; xxvi. 28. 13); on my view Polybius has made a slight error in supposing that the army already raised was recruited by Fulvius and Sulpicius and not by their predecessors. Livy xxvi. 1 does not mention these legions, nor the new pair of urban legions which Fulvius and Sulpicius were raising (cf. xxvi. 28. 4), see pp. 653 f. The urban legions of 212 must have been allotted to Sulpicius; he, not Fulvius, had an army with which to pursue Hannibal (Gelzer).

[2] For the consular edict and *SC* cf. Liebenam *RE* v. 592 f.; 595.

[3] Livy v. 19. 4 ('ad certam diem'). [4] iii. 10. 1, 29. 2.

[5] ii. 28. 5, 29. 2 (495); iii. 11. 1 (461); Varro *ap.* Non. 28 L.: 'Manius Curius consul, Capitolio cum dilectum haberet (cf. p. 626 n. 1) nec citatus in tribu civis respondisset,

to do so, they were liable to penalties.[1] Those who answered were, however, not necessarily to be called up; they might be 'causarii',[2] i.e. have legitimate claims for exemption (*vacatio*). It was the proper task of the magistrate holding the levy to hear and determine such claims, though appeals could be admitted by the tribunes.[3] If a tumultuary levy was ordered, indeed, the cognition of claims might be deferred until the campaign was over, but in that case the magistrate might give the warning that any person who put forward a claim unjustified in the event would be subject to the penalties for desertion. A Gallic or Italian *tumultus* had the effect of suspending the validity of standing exemptions from military service, and the claims to immunity which would have been recognized as justified in such an emergency were probably confined to infirmity and also perhaps to compassionate pleas.[4]

The annals of early Rome envisage that all *iuniores* were frequently called up.[5] The annalists were naturally aware that fifth-century Rome was a relatively small city, they depict invaders ravaging her territory and operating near the city itself, and they supposed that Rome often found it necessary to put every available man into the field; though evidence was inevitably lacking, they were presumably right. Sometimes they expressly say, or clearly indicate, that this total mobilization occurred when a *tumultus* was proclaimed; a dictator was then usually appointed, all civil business suspended by a *iustitium*, and the citizens ordered to enlist *πανστρατιᾷ*.[6] It may be that they conceived all total levies to be tumultuary, and depicted them in the light of what they knew of the procedure adopted in the second century, when a *tumultus* was still proclaimed at times. For instance, in 198, when there was a servile rising in the territories of Setia, Norba, and Circeii, the urban praetor was ordered to enlist all the men whom he found in the

vendidit tenebrionem'; Val. Max. vi. 3. 4: 'M'. Curius consul, cum dilectum subito edicere coactus esset et iuniorum nemo respondisset coniectis in sortem omnibus tribubus, Polliae, quae prima exierat, primum nomen urna extractum citari iussit neque eo respondente bona adulescentis hastae subiecit. Quod ut illi nuntiatum est, ad consulis tribunal cucurrit collegiumque tribunorum appellavit. Tunc M'. Curius praefatus non opus esse eo cive reipublicae, qui parere nesciret, et bona eius et ipsum vendidit.' Livy, *Per.* xiv dates the incident to 275. For 'respondere' cf. also Livy xliii. 14. 2 (169): Cic. *Att.* vii. 14. 2; Suet. *Nero* 44. 1: Arrius Menander, *Dig.* xlix. 16. 4. 10; and next note.

[1] ii. 28. 5 (495); iii. 41. 7 (449). Varro *ap.* Gell. xi. 1. 4 gives the form for a fine: 'M. Terentio quando citatus neque respondit neque excusatus est . . .'

[2] For the term, Livy vi. 6. 14. See next two notes.

[3] iii. 69. 6–7 (446); iv. 26. 12 (431); xxxiv. 56. 9–11 (193) records how citizens called up 'frequentes tribunos plebei adissent, uti causas cognoscerent eorum, quibus aut emerita stipendia aut morbus causae essent, quo minus militarent'; however, the senate decreed a *tumultus* and resolved 'tribunos plebei non placere causas militaris cognoscere, quo minus ad edictum conveniretur'. Tribunician cognition arises only on appeal. In xliii. 14. 9 (169) the censors take on themselves the cognition of claims of soldiers on furlough in Italy to have been lawfully discharged.

[4] See p. 391 n. 1. Effect of Gallic or Italic *tumultus*, *FIRA* i, no. 13, LXII (Urso, tralsticien); Cic. *Att.* i. 19. 2; App. *BC* ii. 150. Gell. xvi. 4. 3 ff. gives the admissible excuses for absence on the day of mobilization (cf. p. 625 n. 2).

[5] Livy iii. 4. 10, 69. 7; vii. 9. 6, 11. 4; ix. 29. 4, 43. 4; x. 4. 3.

[6] *Tumultus*, Livy vii. 5. 6, 11. 4; viii. 17. 6 (Gallic); iv. 27. 1; vii. 28. 3; x. 21. 1 ff. (other cases); on most of these occasions a dictator is in office, but cf. viii. 20. 3–4; x. 21. 4. *Iustitium*, iv. 26. 12, cf. 27. 1; vi. 2. 6, 7. 1; vii. 28. 3; x. 4. 1, 21. 3; this is expressly associated with *tumultus* in vii. 9. 6, 11. 4 and by implication on several occasions.

fields to suppress it; he set upon the insurgents with 2,000 soldiers whom he had raised 'hoc tumultuario dilectu'.[1] Again in 181 the Ligurian menace seemed so grave that the senate would not tolerate the slow recruitment of an army by the regular method, and ordered the consuls to leave at once for the theatre of war; they were to instruct the men they had so far enrolled to muster at Pisa and to recruit other 'subitarios milites' on their route. The implication of this is important: obviously not all *iuniores* had assembled at Rome, as Polybius might suggest that they did, for the regular *dilectus* then in progress. The praetors were also to raise two 'legiones tumultuarias'. Once the crisis was over, these legions, together with the 'subitarii milites' enlisted by the consuls 'tumultus causa', were discharged.[2] In this period it was characteristic of a *tumultus* that soldiers were levied in any part of Italy, where needed, and not merely in Rome.[3] The tumultuary levies of the early Republic imagined by the annalists were, by contrast, in the city itself; that shows that the annalists adapted later practices to what they knew or imagined of the age when Rome possessed only a restricted territory round the city itself, and when Rome was the only suitable centre for even a tumultuary levy.

From time to time we hear that when a *dilectus* was ordered in the early Republic men either gave in their names, or in times of internal political tension refused to do so.[4] There is an obvious distinction between giving one's name in and answering to one's name when it is called (p. 628 n. 5). The phrase 'nomina dare' (or 'edere') is sometimes undoubtedly applied to volunteering,[5] but this is not always so; often men may give in their names in response to informal pressure;[6] the connotation of the phrase must be determined from the context. The practice of giving in names must be linked with the old mass-levy, or later *tumultus*. When the magistrate required the service of all men of military age, or of all those available in a certain area, and required it without delay, he ordered them all to enrol by giving in their names; of course, the list of those actually enrolled could be checked at leisure against the list of those liable to service, and defaulters, who had no good excuse, could be punished later. It was when the magistrate needed to call out only some proportion of Rome's manpower that he resorted to *citatio* of selected individuals who in his judgement were under obligation to serve.

How did he select? We are told that in 275 the consul, Manius Curius, holding the levy, cast the names of all the tribes into a box and drew out the tribe Pollia; he then had a particular man of that tribe selected by lot and had him called

[1] Livy xxxii. 26. 11.

[2] Livy xl. 26. 6–28. 10. For *exercitus* or *milites subitarii* cf. iii. 4. 11, 30. 3.

[3] xli. 5. 4: 'itaque quod in tumultu fieri solet, dilectus extra ordinem non in urbe tantum sed tota Italia indicti' (178). In fact only two new legions were raised! Livy's remark is extremely obscure. Even if we take the view that the regular *dilectus* took place in Rome in exact accordance with Polybius' description, it must have been announced ('indictus') throughout the *Ager Romanus*. I conjecture that Livy means that on the occasion he described, which arose from a panic at Aquileia, and on other similar occasions, local authorities themselves called men to arms on their own initiative.

[4] Livy ii. 24. 6, 27. 10, 30. 6; iii. 57. 9; vi. 27. 9; x. 25. 1; Dion. Hal. ix. 18. 1; x. 16. 1.

[5] Livy iii. 57. 9; x. 25. 1; xxxvii. 4. 3; xlii. 32. 6. Cf. Pliny, *Ep.* x. 30: *Dig.* xlix. 16. 2. 1; 16. 4. 1–4, etc.

[6] Livy iv. 26. 12; v. 10. 4. So in Veget. i. 3.

(p. 628 n. 5). The fact that the man named refused to serve and was sold into slavery does not concern us at this point; we may reasonably assume that if he had simply answered to his name and accepted the call to service, the process of selecting men by lot, first from Pollia and then from other tribes, could have gone on without a break until the legions required were full. The tribal roll used for this purpose must have differentiated *assidui* from *proletarii*, and perhaps noted which had permanent *vacationes*, and how many *stipendia* men had performed already. Those cited would still have had the opportunity to put forward pleas for special exemption from service on the particular occasion when they were called. The procedure for assigning recruits to legions would have followed, more or less as Polybius describes it.

This reconstruction fits well enough the time when Rome was still a small city with a restricted territory. But as the extent of Rome's territory and the number of her citizens increased, it must have become inconvenient and unnecessary to bring all *iuniores* to Rome. Livy says that in 418 a levy was held not from the whole people but from ten tribes chosen by lot.[1] The incident is hardly historical, yet the story may indicate that at some time a rotation of the tribes was introduced for the purpose of the levy. That would not be inconsistent with what we are told of the levy in 275 (which may be true); Pollia could have been selected by lot from those tribes whose *assidui* had been convened. Even as early as 275 it would have been absurd to summon to Rome all men liable for enlistment, when perhaps under a fifth were needed. The system would be rather like that in the late Republic, when a levy might be held only in certain districts.[2] But it would also soon have become inappropriate, with the increased dispersion of Roman citizens in the third century and later, to make all the eligible soldiers in the selected tribes come to Rome for selection. A procedure for local enrolment was required.

It has been argued elsewhere that *cives sine suffragio* served in the legions.[3] As they were not registered in the tribes, a levy based wholly on the tribal system could not apply to them. The Roman government must have required them, through their own local magistrates or, if there were no such magistrates (cf. Appendix 3), through the *praefecti iuri dicundo* Rome sent out to them, to furnish contingents to the legions in much the same way as allied cities were required to send a stated number of men *ex formula togatorum*. Some of these *municipia* had in fact been *socii* before, and their incorporation in the Roman state should not have deprived them of the machinery for raising troops at Rome's demand. Nor need anything have changed, when they were later raised to full citizen rights. Of course this is a mere hypothesis; no testimony exists for it, or against it. But the role here ascribed to the *municipia* before 90 certainly corresponds to that

[1] Livy iv. 46. 1. It has been suggested that this procedure was used for a *tumultus*: on the contrary, in a *tumultus* every available man was called up, and the context shows that Livy does not think that there was any urgent crisis on this occasion. It seems much more likely that we have here a genuine record of a regular method of enlistment, which was believed not to be primitive and to which a probably arbitrary date was assigned.

[2] Cic. *Mur.* 42. A levy throughout Italy was clearly required only in an emergency (e.g. *Phil.* v. 31).

[3] See pp. 17 ff. The names of recruits were ultimately posted at Rome, Dio fr. 109. 14.

which they performed in the recruitment of soldiers thereafter.[1] I see no reason why local officials in colonies should not have exercised similar powers. When the normal exemption of citizens in the maritime colonies of Roman citizens was suspended, it was those colonies as such which protested. It is a plausible, though not a certain, inference that it was the colonial governments which received a demand for soldiers from Rome. The magistrates of colonies certainly had the right to call up *coloni*, if only for local defence.[2] In the districts of scattered citizen settlement far from the city the *praefecti iuri dicundo* might have been charged with sending a proportion of resident *assidui* to Rome, at least until *conciliabula* and *fora* developed their own local administrations. (Although, as argued in Appendix 3, the *praefecti* were merely juridical officials in self-governing *municipia* and colonies, they must have performed general administrative functions at least in Capua, and in other centres of Roman settlement which had not yet evolved municipal institutions.) In the areas most closely contiguous to the city, where the old tribes were situated, and where the inhabitants could present themselves in the Campus Martius without hardship, some part of the work of selecting soldiers perhaps devolved on the tribal officials, of whom little is known.[3] There is perhaps a trace of this system in the report of Dionysius of Halicarnassus that Servius Tullius, having divided the rural territory of Rome into a number of tribes (his authorities did not agree how many, and none of them held views that need be believed), and established strongholds in each, made the governors of these strongholds responsible for mustering soldiers and collecting tribute.[4] No one can have known any details of the administrative machinery under the kings, but sheer fiction, unrelated to the actual conditions of any period, is less likely than an attempt by one of the second-century annalists to father on Servius the origins of the system that existed in his time. (Dionysius depends here on Fabius Pictor and Vennonius, who ascribed to Servius the creation of 34 or 35 *phylai* respectively; as Fabius cannot have been ignorant that 2 of the 35 tribes existing in his own day had been created in 241, he must have meant *pagi* rather than *tribus* by *phylai*, but he may have believed that these *pagi* corresponded in some functions to the later *tribus*.)

In 215, according to Livy (xxiii. 32. 19), 'C. Terentio proconsuli negotium datum ut in Piceno agro conquisitionem militum haberet locisque iis praesidio esset'; he is later credited with a single legion there and seems finally to have raised two (xxiv. 11. 3; 44. 5; xxv. 3. 4), which were then transferred to Campania (xxv 3. 2; 22. 7). He had then been authorized to raise troops in Picenum for local defence and training. This was an extraordinary measure, and we cannot be

[1] *AL* 86; add Dio xli. 9. 7, and for 83/2 Diod. xxxviii/ix. 14, to the references; municipalities might also be ordered to furnish ships (Caes. *BC* i. 30. 1) and *commeatus* (Vitruv. ii. 9. 15—under Augustus).

[2] Lex Ursonensis LXII (tralatician). [3] *StR* iii. 189 ff.

[4] iv. 15, cf. L. R. Taylor, *VD* 4 f. *Pap. Oxy.* 2088, there cited and relating to the 'Servian' system, reads: 'exque pagis milites conquirebantur et tributum (?) e pagis cogebatur.' The verb 'conquirebantur' suggests that the author had in mind the dispatch of *conquisitores* to the rural areas, cf. p. 633, rather than Polybius' centralized levy. In Servius' time, however, the Polybian system would have been practicable; the author is then describing in principle the system that had superseded it by his own date, which unfortunately cannot be determined. ('Pagi' gave a suitably archaic flavour to his account.)

sure from what Livy says whether it was unusual only to raise troops by a local levy, or to employ the troops so raised for local protection. In 212 we are told that the consuls found difficulty in raising men both for new *legiones urbanae* and to fill the gaps in the other legions, and that the senate bade them desist from the attempt and appointed two commissions of *triumviri*, 'alteros qui citra, alteros qui ultra quinquagesimum lapidem in pagis forisque et conciliabulis *omnem copiam ingenuorum inspicerent* et, si qui roboris satis ad ferenda arma habere viderentur, etiamsi nondum militari aetate essent, milites facerent; tribuni plebis, si iis videretur, ad populum ferrent ut, qui minores septemdecim annis sacramento dixissent, iis perinde stipendia procederent ac si septemdecim annorum aut maiores milites facti essent.'[1] Though Livy expatiates on the recruitment of men below the normal military age, it is plain from the words italicized that the task of the triumvirs was to enlist *all* suitable men.

These arrangements do not imply that it was a novelty for soldiers to be enlisted locally, but only that it was not customary for the central government at Rome to appoint officials to carry out such local levies. Similarly in the late Republic, though the levy was probably usually in the hands of local authorities, at times the magistrates at Rome entitled to raise troops sent round *conquisitores* for the purpose. Cicero alleges that the army of the consul Piso in 58 was raised 'superbissimo dilectu et durissima conquisitione';[2] it may be that the basis for this charge lay in the use made by Piso of his own recruiting officers who were less tender to claims for exemption than local magistrates would have been. In 215 and 212 the need for soldiers was so urgent that the Roman government considered it necessary to commit local recruitment to its own officials who could be expected to act with less fear or favour.

I have discussed elsewhere the action taken by the censors in 169 to assist in the *dilectus*, which led to the appearance in the city of an embarrassingly large number of *iuniores*, and shown that this is incompatible with the view that all citizens *in sua potestate* were regularly required to appear in Rome for the census.[3] Equally it is irreconcilable with the view that all *iuniores* had to come to the city for the *dilectus*. Livy's account is indeed far from clear, and we do not know just who did come to Rome on the censors' injunctions; certainly they included soldiers *in sua potestate* who were on leave from Macedon, and those who claimed to have been discharged, but possibly also *iuniores* resident in *fora* and *conciliabula*, places where there were conjecturally no local authorities competent to take either the census or the *dilectus*.[4] For practical reasons, it seems to me unlikely that all *iuniores* resident in distant *fora* and *conciliabula* would have been summoned to Rome for the annual levy—they could have been normally enlisted by the local *praefecti iuri dicundo* or by *conquisitores*—but at the time of the quinquennial census such a summons might have seemed reasonable, and the censors (who were apparently prepared to allow early registration to serving soldiers, while they were still in Italy) may have ordered them to attend at Rome,

[1] xxv. 5. 5 f. Cf. Cic. *Mil.* 67; *Att.* vii. 21. 1; *Glossarii* v. 638. 36; Livy xxi. 21. 13; xxx. 7. 10 (both relating to Punic levies); *Bell. Alex.* 2. 1. (an Egyptian levy).

[2] *Prov. Cons.* 5. [3] Livy xliii. 14, cf. 15. 7–8; see p. 37.

[4] Livy speaks of publication only in *fora* and *conciliabula*, but the edict affected *municipia* too.

where they could to the extent necessary be enlisted in the 4 legions and *supplementa* now required and in any event be registered on the census rolls.[1] At other times I should suppose that resort was made to local *praefecti* or to *conquisitores*, e.g. in Picenum.

To sum up, we may suppose that in early times the levy was held only in Rome and on the Capitol, and that there men were picked for the legions, much as Polybius describes, each tribe being summoned in turn. As the size of the citizen body grew, and it was more and more dispersed, changes had to be made. The first change was perhaps to select soldiers only from certain tribes in rotation. But the unequal size of the tribes and the great distance from Rome at which many citizens came to live made it desirable to decentralize. The local authorities of *municipia* had been accustomed to levying their own troops before they were incorporated in the Roman state and probably no change was made in their powers thereafter. Local magistrates in colonies could be and probably were used in the same way. Where citizens were settled with no organs of local self-government, *praefecti iuri dicundo* or tribal officials might be employed. Citizens domiciled in or near Rome may still have been enlisted by the Roman magistrates in person, as they were themselves the local magistrates in this area. The central government could send out *conquisitores*, if this was thought necessary. It must have fixed the quotas to be drawn from different towns or localities, and this was presumably a task still performed on the Capitol, where the consul similarly fixed the quotas to be supplied by the various Latin and allied peoples. Polybius describes the formation of the recruits enlisted in these various ways into legions, which he confused with that of *enlistment*, perhaps because in earlier days one had followed closely on the other and because an antiquarian account he consulted failed to make it sufficiently explicit that the *enlistment* of soldiers for the most part no longer took place at Rome. Probably even the formation of legions now took place in the Campus Martius. It is clear that Polybius never *saw* what he represents as occurring, because it would have involved the appearance of over 100,000 men each year at Rome, a multitude which it would have been pointless to have gathered and impossible to have fed and housed.

[1] xliii. 15. 1, cf. 12. 2 f.

20. THE MEANING OF THE TERM '*DILECTUS*'

A LEVY (*dilectus* or *delectus*) was held either to raise new legions or to reinforce existing legions by a *supplementum*. Instead of using either term, Latin writers may employ the phrases 'milites (legiones, exercitum) conscribere (scribere)' or 'legiones supplere'. Prima facie such language does not tell us whether compulsion was used or not. *Dilectus* merely denotes 'choice', *supplere* is 'to fill the ranks', *conscribere* (or *scribere*) to enter the names of recruits on a roll. Harmand 245 has recently endorsed the view of R. E. Smith[1] that in the post-Marian period the *dilectus* 'included the acceptance of volunteers'. That is doubtless perfectly true, and must have been true long before Marius. There had always been some Romans who liked the soldier's life, and a recruiting officer who refused qualified volunteers would have been insane. It is another matter to argue that *dilectus*, etc., do not imply that compulsion would be exercised in so far as men did not volunteer in sufficient numbers. The use of these terms clearly went back to the time when the levy normally took the form of conscription; by the first century B.C. they had already acquired a certain nuance. This nuance they generally retained. Although *dilectus* may occasionally mean simply 'selection' and relate to the enrolment of volunteers,[2] it seems to me that its use generally implies that conscription would be applied, if enough volunteers did not come forward.

I shall arrange the *testimonia* under four heads:

I. *dilectus* contrasted with volunteering;
II. *dilectus* associated with other compulsory burdens;
III. *dilectus* known from the literary context to involve coercion;
IV. *dilectus* used in an apparently neutral sense, where there is other evidence that coercion was used.

Besides Republican writers, I shall cite Livy and Velleius, and add a selection of later evidence.

I. *Dilectus* contrasted with volunteering, cf. App. *Iber.* 84.

1. CICERO. In 43 men 'non dilectus necessitate sed voluntariis studiis se ad rem publicam contulerunt', *Phil.* xi. 24. Cf. *Fam.* xi. 8. 2: 'Romae ita dilectus habetur totaque Italia, si hic dilectus appellandus est, cum ultro se offerunt omnes'; *ad Brut.* ii. 4 (=iv Watt). 4: 'tantum abest ut Pansa de exercitu suo aut dilectu tibi aliquid tribuat ut etiam moleste ferat tam multos ad te ire voluntarios.'

2. LIVY. 'Non iusto dilectu—etenim ab tribunis plebis impediebantur—sed prope voluntariorum quos adhortando incitaverant coacta manu', v. 16. 5. Cf. ix.

[1] *Service in the Post-Marian Roman Army*, 1958, ch. IV. Smith, who corrected many common misconceptions, himself stressed the continuance of conscription.

[2] So in Cicero's allusions to the 'dilectus servorum' (*Sest.* 34, etc.) by which Clodius recruited members for his new *collegia*; Cicero certainly does not suggest that they were impressed.

10. 6: 'in civitate ira odioque ardente dilectus prope omnium voluntariorum fuit' (an oxymoron); ix. 42. 9: 'quaesitum est dilectu an voluntarii pro Samnitibus bellassent'; xxviii. 45. 13: 'Scipio cum, ut dilectum haberet neque impetrasset . . . ut voluntarios ducere sibi milites liceret, tenuit'; xliii. 14. 3: 'dilectum difficilem esse; neminem invitum militem ab iis fieri' (which shows of course that volunteers were accepted in a *dilectus*).

3. TACITUS. Tiberius announced that he would visit the provinces: 'multitudinem veteranorum praetexebat . . . et dilectibus supplendos exercitus: nam voluntarium militem deesse . . . , *Ann.* iv. 4, on which see p. 414.

II. *Dilectus* associated with other compulsory burdens.

4. With 'imperatae pecuniae' by Brutus and Cassius *ap. Fam.* xi. 3. 2.

5. With 'tributum' by Livy (v. 10. 3; 11. 5; vii. 27. 4; cf. xxvii. 9. 2: 'dilectibus stipendiis se exhaustos', and 9. 13: 'ubi nec miles qui legeretur nec pecunia quae daretur in stipendium esset', showing that in the former text 'stipendia' refers to financial demands). Cf. Tacitus, *Agr.* 13; 31. 1; *Hist.* iv. 26. 1; Amm. Marc. xvii. 13. 3.

III. Coercion made explicit.

6. In 61 'senatus decrevit ut . . . dilectus haberetur, vacationes ne valerent', Cic. *Att.* i. 19. 2, cf. his motion in 43 'dilectum haberi sublatis vacationibus', *Phil.* v. 31.

7. Cicero complained of Piso's 'superbissimo dilectu et durissima conquisitione' (*Prov. Cons.* 5); this does not imply that any *dilectus* was not harsh, but that Piso's was exceptionally harsh, unlike Murena's in 64 (*Mur.* 42); cf. no. 9.

8. 'Dilectus adhuc invitorum est et a pugna abhorrentium', Cic. *Att.* vii. 13. 2, cf. 14. 2; 21; 23. 3 on the Pompeian levy in 49; cf. Plut. *Pomp.* 59. 2. The recruits were not only conscripts but unwilling conscripts.

9. Of the Caesarian levy in 49 Cicero writes: 'dilectus habentur . . . Ea quae etiam cum a bonis viris, cum iusto in bello, cum modeste fiunt, tamen ipsa per se molesta sunt, quam censes a cerba nunc esse . . . ?' (*Att.* ix. 19. 1, cf. x. 12a. 3 and perhaps vii. 18. 2: 'Caesarem acerrime dilectum habere'); this text is alone enough to show that for Cicero *dilectus* normally connoted conscription, which was harsh *per se*; cf. nos. 14–15.

10. 'De senatus consulto (52 B.C.) certior factus, ut *omnes* iuniores coniurarent, dilectum tota provincia habere instituit', Caesar, *BG* vii. 1.

11. Q. Cassius in Spain aroused 'odium ex ipso dilectu', from which he *exempted* local *equites* in return for bribes, *Bell. Alex.* 50. 3; 56. 4.

12. 'Dilectum remigum magna contumacia civitatium satis celeriter habuimus', C. Cassius *ap. Fam.* xii. 13. 3.

13. The evidence from Livy is too copious to quote in full. For penalties on 'retractantes', resistance to levy, appeals against it to tribunes see ii. 27–9; 55; iii. 10 f.; vi. 27. 9; vii. 4. 3; xxxiv. 56; xxxvi. 3. 5; xlii. 31–5; *Per.* xiv (cf. Varro *ap.* Non. 18 L.); xlviii; lv; for suspension of *vacationes* and cognition of claims to

exemption, iii. 69. 7; iv. 26. 12; vi. 6. 14; vii. 28. 3; for 'acerbitas', vii. 3. 9; 4. 2; xxi. 11. 13. Livy was writing of a period when the levy normally involved conscription and always uses *dilectus* in this sense, even when he thinks that men were zealous to serve (cf. 2 above).

14. Velleius ii. 130. 2 praises Tiberius: 'quanta cum quiete hominum rem perpetui praecipuique timoris, supplementum, sine trepidatione delectus providet'; cf. p. 414.

15. Under Tiberius the Thracians 'pati dilectus . . . aspernabantur', Tac. *Ann.* 46. 1; cf. *Hist.* ii. 16; iv. 14; 'dilectum . . . suapte natura gravem', a good parallel to no. 9 above, see my article in *Latomus* xix, 1960, 500 ff.

IV. *Dilectus* used apparently neutrally, where other evidence proves coercion.

16. In Cic. *Att.* vii. 11. 5; viii. 1. 1; 11 B 2; ix. 2a. 2; *Fam.* xvi. 12. 3–4; Caes., *BC* i. 6. 3 and 8; 9. 4; 10. 4; 11. 1; 14. 4; 24. 1; 30. 4 there is no internal suggestion that the Pompeian levies of 49 involved conscription, unless this is conveyed in the term itself. In fact we know that coercion was applied; cf. no. 8 above. Caesar wished his readers to think that there was a reign of terror at Rome (*BC* i. 9) and might have been expected to suggest that they resorted to conscription. He did so by the mere use of 'dilectus'. He also indeed refers to his own 'dilectus' (i. 11. 4; 18. 5; iii. 87. 4), not thereby concealing that he too conscribed soldiers (for 'conscribere' cf. *Bell. Alex.* 42. 4), much against their will according to Cicero (no. 9).

17. Caesar also refers to Pompeian *dilectus* in Further Spain (*BC* ii. 18. 1), where sentiment was in his favour according to 17. 2; 18. 6; 20. 1, and in the East (iii. 32. 2; 4. 1 f.), where he dilates on the oppressive conduct of Metellus Scipio (iii. 31 f.); his readers could understand from the term itself that the levy involved coercion. Cf. *Bell. Afr.* 19. 3; 20. 4; 36. 1 on Pompeian *dilectus* in Africa.

18. The Italian *dilectus* of 55, simply mentioned by Caesar (*BG* vi. 1), was most unpopular (Dio xxxix. 39), and that of 52 attested by Cicero (*Mil.* 67 f.) and Dio xl. 50. 2 was universal (Caesar, *BC* vii. 1) and therefore involved conscription.

19. Tacitus, *Ann.* i. 31. 4, refers to the 'urbanus dilectus' of A.D. 9, see also the inscription cited in *AL* n. 60. Dio lvi. 23. 2 proves coercion. This may also be assumed for the *dilectus* of A.D. 6 mentioned by Velleius ii. 110, especially in view of his usage in ii. 130 (no. 14 above).

As a *dilectus* was required for a *supplementum* (e.g. Livy xliii. 15. 1), the famous description by Sallust of Marius' conduct in 107 is also relevant. Marius at first demanded 'legionibus supplementum', which the senate gladly voted 'quia neque plebi militia volenti putabatur et Marius aut belli usum aut studia volgi amissurus' (*BJ* 84); Marius frustrated their intentions by enrolling soldiers 'non more maiorum neque ex classibus, sed ut cuiusque lubido erat' (86).

These texts seem to show beyond doubt that *dilectus* normally connotes conscription. In my judgement that remains true of its usage in imperial times, but this is not the place to examine the imperial evidence fully.

I append a note on the Greek terms. For 'conscribere' Polybius uses *καταγράφειν* (iii. 75. 5; 88. 7; 106. 3; cf. Dion. Hal. v. 63. 1) and once *διαγράφειν*

(vi. 12. 6); for 'dilectus' *καταγραφή* in the singular or plural (iii. 40. 3; vi. 19. 5; 21. 1; cf. Dion. Hal. iv. 19; viii. 81. 3); the latter term is also a synonym for *ἀπογραφαί* in the sense of census lists in ii. 24. 10; cf. 23. 9. These terms, like 'conscribere', indicate that the names of recruits were entered on a roll; to judge from Dio fr. 104. 14 (who uses *κατάλογος*) the roll was published. They do not reveal that enrolment rested on selection, as 'dilectus' does; Polybius makes that clear by using the terms *ἐκλέγειν*, *ἐκλογή* in vi. 20. 7 f. for the procedure whereby recruits were picked before being enrolled, cf. *διαλέγειν τοὺς ἐπιτηδείους* in vi. 12. 6. Elsewhere the terms *κατάλογος* in the singular or plural and *καταλέγειν* more commonly represent 'dilectus' (also often used in the plural) and 'conscribere', see e.g. Plut. *Pomp.* 6; Appian, *Mith.* 35; *BC* v. 20; 65; Dio xxxvi. 37. 2; xxxvii. 35. 4; xxxix. 39. 1 (where compulsion is explicit); xl. 50. 1; 65. 2; xlvi. 36. 2. (In *Iber.* 49 Appian employs *κατάλεξις* for the choice of particular legions or soldiers for particular campaigns.) Appian resorts to many non-technical synonymous phrases; the use of *ξεναγεῖν* (*BC* iii. 65; v. 74) reflects his view that the armies of the civil wars were composed of mercenaries (cf. *BC* v. 17, on which see p. 409). All the other Greek terms are as colourless as the Latin, except from the context; Dionysius vi. 25. 1 has just the same antithesis as Latin writers between recruits under a *dilectus* and volunteers: *δύναμιν οὐκ ἐκ καταλόγου προσηναγκασμένην ἀλλ' ἑκούσιον*.

21. THE ANNALISTS ON CONSCRIPTION IN EARLY ROME

THE annalists' account of the struggle of plebeians against patricians in the early Republic, transmitted to us mainly by Livy and Dionysius, is in broad outline comprehensible and probably not far from the truth, but it is embroidered with details that can only be the fabrications of rhetoric and imagination. The *inventive powers* of the annalists were surely stimulated by contemporary history. The contempt shown for *novi homines* by the later nobility resembled the exclusiveness of the old patriciate. The harsh law of debt and the incidence of conscription continued to oppress the poor. Distributions of land and grain were still constantly proposed by popular leaders. Only one issue which had figured prominently in the earlier conflict had then been settled once for all by the publication of the laws and of the rules of legal procedure. It was inevitable that the annalists' stories of early political struggles should be coloured by what they knew of those which came later, though they had enough imagination to adjust contemporary experience to conditions when Rome was a small city, contending for its very existence or for control of immediately contiguous land,[1] and when its own territory could easily be ravaged by neighbouring enemies; the devastations of Italy in the Hannibalic war, and still more those which occurred in the civil wars, may have helped to make such conditions vivid to their minds and those of their readers.

Livy and Dionysius probably drew chiefly on post-Sullan annalists, and these in turn had embellished the narratives of second-century writers. It is a nice point, which I shall hardly seek to determine, how far the colouring in the narratives we possess mirrors the first or the second century. There can, I think, be no doubt that in detail these narratives indirectly attest the grievances and propaganda of the middle or late Republic. To demonstrate this at large would take me beyond my theme, and here I shall simply illustrate one application of the hypothesis, the relevance of what the annalists tell us of the *dilectus* in early Rome to later conditions.

Some features of their story are certainly or probably based on genuine tradition, since they offer no analogy to later occurrences, and do not seem to be mere inventions. Thus we find tribunes obstructing the levy as a means of pressure, to force the patricians to concede social or political reforms. There are no later known cases of obstruction for such purposes. This does not mean that we should accept as authentic all the stories in question, but in principle it is hardly doubtful that the method was used. The secession of the plebs in 287 certainly occurred, and it is reasonable to admit that it was as a result of some earlier secession or secessions that the plebs had forced the patricians to accept the tribunate and to

[1] The call-up of all *iuniores* (Livy iii. 4. 10, etc.) and even of *seniores* too (v. 10. 3, etc.) was a measure suited only to a small city and can never have occurred in the time of any annalist.

yield in other matters. A secession was essentially a military strike.[1] We also hear that from time to time the patricians stirred up wars to divert the plebs from agitation at home and ordered levies to bring the seditious mob under control.[2] The later nobility used no such devices. I feel less certain, however, that these stories rest on tradition. It was a theory, advanced for instance by Sallust, that internal dissensions began only when the fear of foreign enemies was removed; from this theory it was an easy step to assume that the patricians could have checked sedition by fomenting wars.[3]

Some individual stories relating to conscription in early Rome were evidently based on incidents in the historic period. Volero Publilius, protesting in 475 that as an ex-centurion he should not be called up as a common soldier,[4] is the prototype of the ex-centurions recalled to the colours in 171 (p. 395). In Dionysius, Coriolanus, and later the Fabii, undertake campaigns with private armies of volunteers, largely composed of their friends and retainers,[5] in much the same way as Scipio Aemilianus took out 4,000 such people to Numantia in 135 (p. 396). Complaints about the meanness of certain early generals in distributing booty[6] reflect grievances of the second and first centuries (p. 401), and stories of the indiscipline of troops who detested unpopular commanders were surely coloured by the recollection of mutinies in and after civil wars, when sedition spread to the camp.[7] It was also from later times that Livy drew a picture of soldiers dispersed to trade in all the adjoining towns like camp-followers.[8] (Naturally, as he idealized the past, his impulse was to stress the normal rigour of the 'military discipline, by which the Roman state has stood firm to this day';[9] it is into the mouth of Manlius, the great exemplar of this rigour, that he puts a prediction *ex eventu* that the time would come when soldiers would not obey officers or auspices, but wander without leave from their units to a life of brigandage;[10] this was an evil he could have witnessed in his youth.)

When Rome was still small and enemies were near at hand, campaigns must generally have lasted only a few weeks or days; the farmer was not away from his fields for long, and though he may have suffered much from hostile devastations, it is not likely that military service as such did him or his family much harm, though naturally it was another matter if he was killed and a widow and young

[1] e.g. Livy ii. 43. 3 f. (cf. Dion. Hal. ix. 1 f.); 44 (cf. Dion. ix. 5); iii. 10 f.; 30. 3–5 (cf. Dion. x. 26. 4 f.); iv. 1. 6 (cf. Dion. xi. 54. 3); vi. 31. 4, etc. Sometimes (e.g. iv. 53) other tribunes allegedly frustrated them by taking the side of the senate. I think it unlikely that tribunes became 'mancipia nobilium' (x. 37. 11) until the consolidation of the patricio-plebeian nobility. Military strike, Livy ii. 32; Dion. vi. 45.

[2] e.g. ii. 28. 5, 29. 9, 52. 2.

[3] Sallust, *Hist.* i. 12, cf. Dion. x. 33. 2. Perhaps Greek theorizing; Aristotle recommended a tyrant to keep his people preoccupied in war (*Pol.* 1313^{b}30).

[4] Livy ii. 55. 4. [5] vii. 64. 2 f.; ix. 15. 2.

[6] e.g. Camillus, Livy v. 19. 8, 20, 22. 1, 25. 12, 26. 8, 32. 8, contrast, e.g., iv. 59. 10. Cf. also for the political importance of distribution of booty ii. 42. 1; iii. 31. 4; iv. 59. 10; vi. 4. 11; vii. 16. 3, 24. 9, 27. 8; viii. 29. 14, 36. 10; ix. 31. 5, 37. 10, 42. 5, etc. Much of this may derive from later experiences, cf. p. 411.

[7] Livy ii. 44, 58–60; iii. 42; v. 8; viii. 36. 4; cf. Harmand 272–98, and see also Cic. *Cluent.* 97–9.

[8] v. 8; viii. 34. 9, see, e.g., App. *Iber.* 95; Sall *BJ* 44. [9] viii. 7. 16.

[10] viii. 34. 9 ff., cf. xxxv. 2. 8 (Valerius Antias, suspect); xliii. 14. 7.

children were unable to cultivate his land. If we leave aside the risk of death, it is not easy to believe that military service in itself was a very substantial grievance early in the fifth century: it would have become such, only when the peasant had to absent himself from his land for many months at a time, perhaps for a whole year. This change can hardly have occurred so early as the annalists place it, in the war with Veii, which lay but a few miles from Rome. None the less, what Livy says of the change, though it be antedated, holds true of later conditions. He tells that it was during the war with Veii that pay for the troops was first introduced, that *tributum* was imposed to provide the pay, and that a campaign was prolonged throughout the winter. Certain tribunes, he says, opposed the introduction of pay on the ground that it would necessitate taxes; they also demanded that in winter at least soldiers should be allowed to return home, revisit their families, and exercise their civic rights.[1] Later the complaint was made that soldiers suffered from 'diutina militia longinquitasque belli'.[2] This is absurd in relation to the war with Veii: it must often have been a genuine grievance for men who had to serve for years together in countries beyond the sea in the second and first centuries. It is noteworthy that at that time concessions were sometimes made to the kind of grievance Livy makes the tribunes voice: in the war with Perseus soldiers were allowed home on furlough and were not very ready to return to the front (p. 396).

In the narrative just cited we hear, though not for the first time, of *tributum*, and on several occasions the annalists suggest that the burden of conscription was augmented by the simultaneous levy of taxes: the same class of men were indeed liable to both.[3] These allusions to *tributum* are transparently anachronistic, since money had not yet been introduced; at best we could assume that there were exactions in kind or in *aes rude*. As the levy of *tributum* was discontinued in 167 (p. 21 n. 5), we might think that in depicting conditions in early Rome the annalists drew on experience of the third and early second centuries; in the Hannibalic war, for instance, the combination of conscription and taxation must have weighed heavily on citizens as well as on Latins.[4] It could then be maintained that this picture derives ultimately from the writings of some early annalist. But even post-Sullan authors and indeed Livy and his contemporaries must have been familiar with the effects of irregular exactions. Sulla and the Marian leaders cannot have dispensed with them in the 80s within territory under their control;[5] in the similar confusion that followed Caesar's death *tributum* was actually reimposed and other taxes were devised (p. 21 n. 5), and bitter protests are recorded; this was also a time when conscription was particularly severe and odious (p. 409). It seems to me probable that what the annalists say of the combined effect of the two burdens on poor farmers in the fifth and fourth centuries provides valuable, if indirect, evidence of grievances that were felt in later times, which do not happen to be expressly attested.

Both Livy and Dionysius incorporate in their account of the agitation that led to the first secession of the plebs in 494 the tale of an old soldier, much decorated

[1] iv. 59. 11–60; v. 2. [2] v. 11. 5.

[3] v. 10. 3, 11. 5; vi. 31. 4; vii. 27. 4; Dion. xv. 3. 5. Rome's walls are more likely to have been rebuilt after the Gallic capture by a *corvée* than with the proceeds of *tributum* (vi. 32. 1 f.).

[4] Livy xxvi. 35. 5; xxvii. 9. 2; xxix. 15. 9. [5] App. *BC* i. 102 (*εἰσφοραῖς πολλαῖς*).

for his valour, who had been unable to grow crops because of the enemy's inroads and been obliged to buy food at extortionate prices in the city; his farmstead had been burned, his cattle driven away; he himself had been in the army and had yet had to pay tax; he had fallen into debt and been carried away into bondage.[1] We are told that the consul that year had to issue an edict forbidding anyone to seize or sell the property of a serving soldier or to detain members of his family.[2] There is another story in Livy of a former centurion whom Marcus Manlius rescued when he was being led away into bondage for debt.[3] Reduction of peasants to virtual servitude is on other occasions represented as the consequence of wars and taxes. Inveighing against the supposed winter campaigns of the war with Veii, the tribunes allege that the soldiers return home, worn out by toil, wounds, and old age, to find their fields lying untilled as a result of their prolonged absence.[4] We are told that the citizens liable for military service were themselves often in debt and that there was constant agitation for a mitigation of the severe debt law, or for distributions of land to relieve them of the impoverishment caused by the burdens of taxation and conscription, and sometimes by devastations.[5] There may be some historic truth in the story of the mutiny of 342 in Campania by soldiers worn out with service and oppressed by usury.[6] Certainly the last secession in 287 seems to have been prompted by the weight of debts;[7] we have now reached a time of which there was probably a reliable historic tradition, though unfortunately it is ill preserved in our meagre sources. It is significant that about this time we hear of the enrolment of *proletarii* (p. 395 n. 6). The campaigns by which Rome subdued the central and southern Italians were surely prolonged, though not distant from the soldiers' homes, and it may well be that armies had to winter in enemy territory for the purpose of pacification.[8] Indeed it would go much too far to withhold all credence from the transmitted version of the struggle between the orders; it is plausible that the richer plebeians won support in their efforts to secure political equality with the patricians by avowing themselves as the champions of the poor and seeking or pretending to seek the remedy of social and economic ills, and that the large-scale colonization that accompanied or followed the conquest gradually abated these ills; hence less is heard of economic grievances for four or five generations after Pyrrhus. Yet the colouring of the annalists' narratives is derived from later times, from the effects of prolonged service overseas.

Thus it was in the immediate pre-Gracchan period, according to Sallust, that while the nobility enriched themselves from offices and wars 'the people were hard pressed by military service and want; the generals divided the booty of wars with a few, while the parents and little children of the soldiers were expelled from their homes, when they had powerful neighbours'. The pitiful tale of the consul, Regulus, who found that in his year's absence in Africa the steward of his

[1] Livy ii. 23. 5 f. (cf. Dion. vi. 26).
[2] ii. 24. 6 (cf. Dion. vi. 29. 1).
[3] vi. 14. 3.
[4] v. 10. 9.
[5] ii. 24, 28, cf. Dion. v. 68; vi. 37, 79, 81; ix. 53, etc.
[6] Livy vii. 38. 5 ff. (where the description of the land round Rome, still at that time the area from which Rome could draw abundant manpower, as pestilential and arid clearly represents later conditions); Dion. xv. 3. 6.
[7] *Per.* Livy xi, etc.
[8] Livy ix. 28, x. 16, 25.

small farm had died, the hired servant had run off with the stock, and his family were in danger of starving unless he came home, can hardly be true of a noble and a magistrate even in the third century, but illustrates what must have been the plight of many common soldiers in the foreign wars.[1] Forced sales were doubtless much more common than violent expropriations. In Tiberius Gracchus' time many old soldiers had become homeless (p. 76). Hence the diminution in the number of *assidui* in the second century and the lowering of the property qualification required for the legions; hence too the growth of resentment at levies of troops and the occasional attempts to impede them (Chapter XXII). As conscription did not cease with Marius and continued to affect small farmers, we may well suppose that annalists who wrote after as well as before Sulla reflected contemporary experience in their accounts of the remote past. Sallust puts into the mouth of Licinius Macer a speech that may not be wholly invented and is at any rate likely to be in character, in which he is made to declare that citizens in the country did not enjoy the immunity from arbitrary flogging which was the boast of the urban plebs: 'They are massacred amid the quarrels of the powerful and are made over as gifts to magistrates proceeding to provinces.'[2] It looks as if this vague rhetoric refers to conscription in rural districts; the inhabitants of Rome were rarely disturbed by levies. A popular tribune in 73, Macer was also an annalist, and retrojections of popular propaganda from the first into the fifth and fourth centuries may well come principally from his history.[3] Dionysius has a story, perhaps derived from Macer, of an occasion when the tribunes hindered the holding of a levy in Rome; the consuls then carried it out beyond the confines of the tribunes' *ius auxilii*.[4] Probably consuls in the second century circumvented the tribunician veto on the levy in a similar way, as Pompey and Crassus doubtless did in 55 (pp. 397 f., 410); Macer's speech in Sallust alludes to such practices. But the precise mode of coercion described by Dionysius is curious. 'If the disobedient owned estates, they laid them waste and demolished their farmhouses, and if they were farmers who tilled the lands of others, they carried off the yokes of oxen, the grazing stock, the draught animals and the implements of all kinds for working the soil and reaping the crops.' Such a procedure was perhaps most appropriate to the recruiting officers of civil wars, whose authority might not be recognized where they operated. Appian records that Sulla obtained recruits partly by terror, and the Marians can hardly have behaved differently (p. 408). If Dionysius' description is drawn from first-century conditions, we need feel no surprise at his allusion to tenant farmers, of whom there were almost certainly more than is generally acknowledged.[5]

Annalistic accounts, especially those used by Dionysius, often reflect the optimate interpretation of later conditions. Patrician spokesmen are made to argue that the indebted peasant soldiery owed it to their own vice and extravagance that they had fallen into poverty.[6] The analogy with the *Sullani* in 63 is heightened by

[1] *BJ* 41. 7 f. Val. Max. iv. 4. 6 (cf. 5 on Regulus' supposed poverty). Cf. Appendix 8. For veterans' loss of property cf. p. 642 n. 1.

[2] *Or. Macri* 26 f.

[3] The conjecture cannot be confirmed from the cited fragments.

[4] viii. 87. 5. [5] *AL* 71.

[6] Dion. vi. 38, 81 (cf. Livy ii. 28. 5); ix. 53.

the invention that these soldiers had previously been enriched by grants from confiscated lands (previously possessed by the Tarquins and their friends).[1] The patricians also emphasize the overriding importance of preserving credit and the iniquity of the practice succinctly characterized by Cicero as 'aliis sua eripere, aliis dare aliena', in a manner of which that champion of the 'boni et locupletes' could only approve.[2] Agitation against the law of debt was no doubt a genuine feature of the internal struggles of early Rome and culminated in the prohibition of *nexum*. But whatever *nexum* was, and whatever may have been the terms of the Lex Poetelia which brought it to an end, debt bondage was still known to Republican and classical law, and in particular afflicted the Sullan veterans of whom Manlius was the spokesman.[3] It is indeed precisely in the late Republic that we have the best evidence that debt was a persistent social problem, and the annalists' view that in early times it was aggravated, if not caused, by conscription helps to show how the problem arose much later.

[1] Dion. v. 68. 1.
[2] Id. vi. 61. 1, 68. 4; Livy vi. 11, cf. Cic. *de off.* ii. 78–85, esp. 83.
[3] Sall. *Cat.* 33, cf. Brunt, *JRS* xlviii. 168; M. W. Frederiksen, *JRS* lvi. 128 ff.

22. ANNALISTIC EVIDENCE ON LEGIONS, 218–167 B.C.

LIVY lists the legions for many years in this period, and though his lists are seldom complete, the gaps can often be filled from other information he provides. So far as the Hannibalic war is concerned, De Sanctis refuted earlier attempts to show that such information was not authentic. De Sanctis admitted that Livy makes errors through carelessness or acceptance of late fictions, but argued that in the main the annalistic evidence on the number and dispositions of legions is too homogeneous and coherent to be discarded. He, like other scholars, sought to sift out the errors.[1] The conclusions he reached are summarized in Table X (p. 418). Afzelius compiled from Livy's evidence a similar conspectus of legions in service from 200 to 167, which is reproduced in summary form in Table XI (p. 424). But in the meantime Gelzer had once more challenged the authenticity of the annalistic evidence with new arguments which De Sanctis had not met in advance and which Afzelius ignored.[2] More recently Toynbee has accepted Livy's lists as authentic, differing only in detail from De Sanctis, but has not made a satisfactory reply to Gelzer's objections. But it is impossible to have any confidence in the conclusions of De Sanctis, Afzelius, or Toynbee unless these objections can be met. The *onus probandi* is naturally on Gelzer, and it should be enough to restore faith in Livy's records, if it can be shown that his arguments are not cogent.

Gelzer notes that Polybius himself, in giving details of Hannibal's army from an inscription he had seen, criticizes other historians for offering 'plausible lies' on such matters, and he suggests that following Hellenistic models of historiography Roman annalists may have invented the dry catalogues of the allocation of provinces and armies to give a false appearance of accuracy to their works.[3] However, Gelzer admits that at times Livy's annalistic source or sources give information derived from the *acta senatus*; and he does not deny that such information may lie behind these catalogues; he himself suggests that they go back to a second-century annalist.[4] One might perhaps suppose that a reasonably accurate account of these matters was given by an unidentified annalist whom I may call L,[5] and that it was at times interpolated by later writers who sought to reconcile it with the inventions of their narratives. It will in fact be shown that some errors of this kind obtrude in Livy's lists. The divergency between Gelzer and De Sanctis is perhaps one of degree; the latter tends to accept the data in Livy where there is no apparent reason for rejection, whereas Gelzer is inclined to scepticism of all that cannot be proved from Polybius.

[1] iii. 2. 317 ff.; for his reconstructions cf. 631 ff. I take for granted his detailed discussions, without repeating them. See also Toynbee ii. 36 ff.; 524 ff.; 647 ff. (tables), and A. Klotz, *Philol.* lxxxviii, 1933, 42 ff., *Afzelius* II, 47.

[2] *Kl. Schr.* iii. 220 ff.

[3] He cites no precise analogy for so systematic and coherent a series of inventions.

[4] pp. 240 (on *magistratuum libri*), 248. [5] sc. the source of annual lists.

The annalistic reports under consideration purport to go back to *senatus consulta*. It is an easy assumption that what the senate decided must have been carried out. Critics therefore infer that if there is proof that an alleged decision was not carried out it can never have been made, and that the report is a fiction. But the initial assumption ought to be questioned. A *senatus consultum* may have proved impracticable. The annalists themselves, not realizing this, may sometimes have invented stories or details of stories based on the same false assumption.

It must be conceded that if there was documentary material available to the annalists, not all of them chose to use it. For instance, Livy's sources differed about the size of the consular army in 216; some said that the consuls at Cannae commanded 4 legions which had been reinforced by *supplementa*, others that they had 8 strong legions.[1] One at least of these accounts must be fictitious. Unfortunately 216 is among the years for which Livy gives no conspectus of legions, and we cannot say which of these accounts stems from L. Similarly Livy does not reproduce L for 217, and we cannot discredit L by showing that Livian data on the legions serving in that year are in part unreliable. Gelzer's valuable discussion of the legions in 217 and 216 is thus irrelevant to the reliability of chapters in which Livy gives a systematic conspectus of the legions.

There are only two ways of controlling the Livian data. The first is comparison with what we can learn from the surviving parts of Polybius, and the second analysis of the coherence of the data supplied by L.

The first of these methods encounters grave difficulties. After 216 we have only fragments of the Polybian story. As Livy does not reproduce L for 216, no comparison between L and Polybius is possible for that year. For 217 again we cannot confront Polybius and L, as presented by Livy; on the other hand Appian does give a partial conspectus of the legions which may well come from L. For 218 Livy and Polybius can be collated on the number and disposition of legions. Some of the fragments of Polybius and part of the historical narrative in Livy which stems directly or indirectly from Polybius are also useful for testing the veracity of the lists. We must, however, beware of excessive confidence in Polybius. He too was capable of mistakes, and as he was principally concerned in describing the major operations of the war, he could disregard those legions which were enrolled as a reserve or as garrisons in regions where no major operations took place.

(i)

For 218 Livy (xxi. 17) says the Romans put 6 legions (with the attendant allied contingents) into the field; 2 were destined for Spain, 2 for Sicily and Africa, and 2 for Cisalpine Gaul; he records the numerical strength of each army. Polybius (iii. 40) also records that the consular armies, each obviously composed of 2 legions, were destined for Spain and Africa, and that the praetor, Manlius, had an army in Gaul. By the end of the year we find that while 2 legions had proceeded to Spain, 4 were concentrated in Gaul under the command of the consuls P. Scipio and Ti. Sempronius and were defeated at the Trebbia. That the army consisted of 4 legions, viz. 2 originally destined for Gaul and 2 brought from Sicily, is attested by both Polybius and Livy. Now, according to Livy (xxi. 26. 2),

[1] xxii. 36.

one of the Gallic legions (under C. Atilius) had been raised to serve under Scipio in Spain; it had to be hurriedly sent to reinforce L. Manlius after his defeat at the hands of the Boii early in the year, and Scipio had to raise another, to take its place. His story implies that Manlius had only one legion with him at the time of his defeat. In the list of legions at the outset of the year, however, Livy writes as if Gaul already had 2 legions. But everything is in order if we assume that L was here proleptic; Gaul was ultimately to have 2 legions. What of Polybius? He records (iii. 40) that Atilius was sent to Gaul with *both* of Scipio's legions, which then had to be replaced. As Manlius in his view also had an army, does it follow that there should have been not less than 3 legions in Gaul before the arrival of Sempronius from Sicily and 5 afterwards? In that case the army at the Trebbia should have consisted of at least 5, not 4 legions; and this is incompatible with Polybius' own testimony (iii. 72). Polybius is thus confused. Perhaps he thought that the Gallic revolt made it necessary to send both legions raised by Scipio to the north, but to send them in succession, first one under Manlius and then another under Atilius, and knowing that Scipio's legions had been thus diverted, wrote carelessly that both were dispatched under Atilius. Polybius says that Manlius' legion was the fourth (iii. 40. 14); the number is appropriate to a consular legion, and supports this conjecture.[1] (Gelzer indeed thought that this legion was one *left* in Gaul by a consul of 219, and that it was so badly cut to pieces that its survivors were fused with Atilius' legions, but it is far from clear that the disaster was so severe.) Livy's statement that Manlius was sent out 'cum haud invalido praesidio' is perfectly applicable, if Manlius had a legion and the attendant *socii*. Thus analysis of his data (though they are not absolutely clear) and collation with Polybius do not invalidate the reliability of L, but may rather suggest that Polybius (who was not deeply interested in legionary details) could be less accurate.[2]

As already noted, Livy does not reproduce L for 217, and though his military narrative of operations is not free from inventions, they need not be ascribed to L and do not therefore cast any doubt on the authenticity of material supplied by L. However, Appian reports that in 217 Rome put 13 legions into the field, of which some went to Spain—in fact they were there already—Sardinia, and Sicily, but the greater number were under the command of the consuls, Flaminius and Servilius.[3] Polybius mentions that the Romans sent legions to Sicily and Sardinia and garrisons to Tarentum and other places.[4] From the evidence of Livy for later years we can conclude that 2 legions were dispatched to Sicily and 1 to Sardinia. Since 2 were in Spain, this leaves 8 for the consuls, and for other forces in Italy, including Tarentum. How were they disposed? Appian, who wrongly thought at this time the legion consisted of 5,000 foot and 300 horse and that the allied contingents were double that number (p. 674), gives Flaminius an army of 30,000 foot and 3,000 horse, i.e. an army of 2 legions (10,600) with 22,400

[1] Cf. *RE* xii. 1204 f. (Kubitschek). On this view a *legio classica* could not be numbered III, nor a legion under P. Scipio in Spain IV (*contra* Livy xxii. 57. 8; xxvi. 48. 6); many references to numbers of legions in Livy (e.g. x. 18. 3) are no doubt sheer inventions.

[2] For a lucid summary of the debate see Walbank on Pol. iii. 40. 14 and 72. 2, citing the texts.

[3] *Hannib.* 8.

[4] Pol. iii. 75, cf. Walbank, ad loc.

allies, and Servilius 40,000 men, a figure which hardly corresponds to any number of legions and *socii* on Appian's computation, but might represent 4 legions on a rather better assessment of the strength of the legion and its attendant allies. Livy gives Flaminius 4 and Servilius 2 legions (xxi. 63. 15; xxii. 11. 2 f.). Yet it appears that the consuls of 217 only took over the 4 legions of their predecessors (xxi. 63. 1; App. *Hann.* 8), though they must have brought them up to strength, and Fabius' record of the men lost at Trasimenus, when Flaminius' army was annihilated, implies that he had only 2; moreover, there was no space on the battlefield for a larger force. The numerical strength of Flaminius' army is exaggerated even by Polybius, drawing on a Greek source which represented the Punic standpoint and inflated the numbers of the enemy in the usual way.[1] Again, after Trasimenus the dictator, Fabius, is said to have raised 2 more legions besides taking over Servilius' army, but his total force consisted only of 4 legions.[2] Now it is probable that, as in later years, 2 urban legions had been raised at the beginning of the year, and that it was these of which Fabius took command. Probably he then gave orders that 2 more should be raised. We thus reach the total of 8 legions in Italy. (On this view Polybius' 'garrisons' did not consist of full legions.) Appian's total is sound only if it is taken to be proleptic.

At the end of 217 the army confronting Hannibal comprised 4 legions. For 216 Livy says that on some accounts it was reinforced by a *supplementum* of 10,000 soldiers, but that on others 4 new legions, which were exceptionally strong, were raised. Polybius adopts the second view, and holds that all 8 legions were exceptionally strong; in conformity with this both he and Livy make out that the army at Cannae was over 80,000 strong. I agree with De Sanctis and Hallward that the first account is to be preferred, especially because Hannibal's tactics at the battle hardly seem practicable if the Roman forces actually engaged were almost twice as numerous as his own.[3] Polybius has again been misled by his Punic source into overstating Roman losses. Probably indeed there were 4 other legions available in Italy, viz. the 2 new urban legions raised by Fabius, sent under L. Postumius to Gaul, where they were destroyed, and 2 urban legions, formed in 216.[4]

The disposition of forces after Cannae is obscure, and Livy's record has incurred Gelzer's censure. In my judgement, however, it gives us in a confused way successive decisions by the senate, not all of which were implemented. We are first told (A) (i) that a *legio classica* (i.e. marines destined to serve on ship) was sent to Teanum Sidicinum—the statement that it was numbered III is not credible (cf. p. 647 n. 1); (ii) that M. Marcellus took command of the survivors of Cannae (the 2 *legiones Cannenses* henceforth) in Apulia; (iii) that the dictator, M. Iunius Pera, held a levy, conscribing even boys under 18, and formed 4 legions with 1,000 horse; (iv) that the allies were required to send contingents; (v) that 8,000 slaves (later called *volones*) were enlisted; on the most *natural* interpretation they

[1] Walbank on Pol. iii. 77. 1; 84. 7.

[2] Livy xxii. 11. 3, 27. 10 f.

[3] *CAH* viii. 52 n. 1. See Pol. iii. 107, Livy xxii. 36.

[4] I believe that Polybius was misled by a combination of the facts known to him that Rome (*a*) raised 4 more legions; (*b*) reinforced the field army against Hannibal with (*c*) the exaggerated figure he drew from Punic sources of the Roman killed (cf. Walbank on iii. 107, where indeed Polybius' view of the size of the Roman army is accepted). For Postumius' legions, Livy xxiii. 24. 8; for the urban legions *infra*.

did not form part of the 4 legions under Pera, but this turns out to be false. But by a second account (B) Pera had at his disposal (i) 2 urban legions raised earlier in the year by the consuls; (ii) cohorts from the Ager Picenus et Gallicus; (iii) enlisted slaves; (iv) 6,000 citizens released from prison; (v) his whole army was 25,000 strong.[1] These may be accounts from different sources of the same measures, or B may summarize decisions amending those given in A; neither account may be complete or accurate. We have to compare these data both with the record of operations in the field and with the evidence for later years on the number of legions and their distribution; since the evidence for 215 is conflicting and incomplete, recourse must also be had to the conspectus for 214.

According to the narrative Marcellus transferred the *legiones Cannenses* to Campania, where he finally encamped above Suessula, while early in 215 Pera's army was near Casilinum; it will appear that it consisted of the *volones* and of 2 other legions. The consul Varro had a *praesidium* in Apulia. This could have been either the *legio classica*, if we suppose that the reference to it in A is authentic, and that it was moved from Campania to Apulia when Marcellus was transferred thence to Campania, or the 'legion' (*supra*) which according to Polybius had been sent to Tarentum in 217 and which is not known or likely to have been withdrawn before 216, or both; as shown above, the garrison in Tarentum was probably not a full legion.[2]

The first account of the disposition of troops for 215 (C) states that (i) the Gallic legions lost in 216 were not to be replaced; (ii) Pera's army was allotted to the consul elect, T. Gracchus; (iii) the *legiones Cannenses* were to be sent to Sicily; (iv) men of poor physique were to be transferred to the *legiones Cannenses*; (v) the 2 legions in Sicily were to be brought back into Italy; (vi) 2 urban legions were to be allotted to the other consul of the year, still to be elected (in the event Q. Fabius), and strengthened out of the Sicilian legions; (vii) Varro was to retain his army in Apulia. All these statements (unlike those in A and B) refer to *senatus consulta* taken apparently at the end of the consular year 216/15 under the presidency of Gracchus as *magister equitum*.

We next have an account (D) of decisions by the senate at the beginning of the consular year 215/14, again under the presidency of Gracchus, now consul. (i) 2 urban legions were to be mobilized at Cales, and thence sent to the camp above Suessula and placed under command of Marcellus; (ii) the 2 *legiones Cannenses* already there were to be sent to Sicily under Ap. Claudius; (iii) the 2 Sicilian legions were to be brought back to Rome. Finally (E), after Fabius' election, we are told that he was allotted Pera's army at Teanum and Gracchus the *volones* (who were also there) together with 25,000 allies.[3] Somewhat later in the year a new legion was sent to Sardinia,[4] and M. Valerius Laevinus was given command of the Sicilian legions, to be placed in Apulia together with the troops already commanded there by Varro, while Varro was sent to recruit more in Picenum.[5]

[1] A = Livy xxii. 57. 9 ff.; B = xxiii. 14. 2 ff.

[2] xxiii. 14. 10 ff.; 17. 3 (Marcellus), 19. 3 (Pera), 25. 11 (Varro). See note 5.

[3] C = xxiii. 25. 6–11; D = 31. 3–6; E = 32. 1–3 and 16–20. [4] xxiii. 34. 10 ff.

[5] xxiii. 32. 19. Varro constituted one legion by 214 (xxiv. 11) and a by 213 (xxv. 3). The *Varroniani* are soon found at Tarentum (cf. xxiii. 38. 9 and 32. 26 as amended by Madvig)

In 215 Gracchus, Fabius, and Marcellus all operated in Campania, though by the beginning of 214 Gracchus with the *volones* had moved to Luceria.[1] In 214 we are told that Fabius and Marcellus each had 2 legiona in Campania, Gracchus the *volones*;[2] 2 other legiona were in Apulia; Varro had 1 in Picenum, Laevinus 1 for coastal defence round Brundisium; there were also 2 in Gaul, Sicily, and Sardinia, and 2 in reserve at Rome. Livy gives the total as 18; this is right, if the 2 in Spain, which he often ignores (De Sanctis iii. 2. 258 n. 115), are left out of account. He says that to reach this figure 6 new legions had to be raised.[3] That implies that in 215 only 12 had been in the field (Spain excluded). It looks as if he compared the total for 214 with the total at the beginning of 215. The senate then disposed of

2 legions in Sicily, to be transferred to Apulia (E);
2 *legiones Cannenses*, to be transferred to Sicily (C, D);
2 *legiones volonum*;
1 legion in Sardinia since 217;
1 legion protecting Tarentum, etc. (in 214 under Laevinus);
4 others in Campania.

12

But in 215 a second legion had been raised and sent to Sardinia. It follows that only 5 legions had to be formed in 214, and in fact Varro had perhaps formed one of these in Picenum in the course of 215. The identity and origin of the 4 in Campania must be determined.

On the natural interpretation of A all were raised by Pera after Cannae. But according to B Pera had 2 urban legions already in existence and recruited a miscellany of other troops, including the *volones*. It is only in E that Pera's army excludes the *volones* under Gracchus. This can be explained. In the latter part of 216 Pera with Gracchus as his *magister equitum* probably commanded both the *volones* and some other legions; but in 215 the *volones* were to be parted from the rest, and this leads to a confusing, because proleptic, distinction between the *volones* and Pera's army, i.e. 2 legions his successor retained when the *volones* were detached. It is clear that after they were detached, there were 2 other armies in or near Campania, each composed of 2 legions. One of these consisted of the 'urban' legions, the other was Pera's army. Hence, if A means that Pera personally commanded 4 legions *plus* the *volones*, it is incorrect. On the other hand, the strength of the dictator's army, 25,000, if B is right, suggests that it was composed of (i) *volones* (8,000); (ii) 2 legions (8,000); (iii) allies equal in number to (ii), i.e. 8,000 plus 100 cavalry (the very figure given for cavalry by A); but here nothing is said of any remaining force, and we must ask what were the 2 'urban' legions available in 215.[4] The best hypothesis seems to be that neither A nor B has given a full account. We may take it from B that Pera had at his disposal 2 urban legions and evidently formed the legion with the fleet under command of M. Valerius Laevinus; it may have been by an inference from their later history that they were taken to have been a *legio classica* in 215.

[1] xxiii. 35–37. 9, 39. 5–8, 41. 13, 46. 9 ff., 48. 1–3.

[2] Gracchus' army was chiefly composed *of volones* (e.g. xxiii. 35. 6); however, he cannot have had 25,000 allies, an impossible proportion (Appendix 26).

[3] xxiv. 11.

raised early in 216; it would have been only natural if (as in 225 and 217, and in most subsequent years) 2 legions had been held in reserve at Rome, when the consuls marched out to Cannae. These troops, with their attendant allied contingents, had already received some training and Pera would use them in the field, together with the *volones* who were untrained but expendable. At the same time he must have thought it necessary to leave troops for the defence of the city. He therefore raised 2 more 'urban' legions, partly out of the miscellany of men mentioned in A and B, boys (A), new recruits from Picenum and ex-prisoners (B). The statement of A that he raised 4 legions in addition to the *volones* is a confusion of the truths that he raised 2 new regular legions, bringing up the total at Rome (before his departure) to 4, that he had under his command 4 legions, of which 2 were the *volones*, and that there were 4 regular legions, excluding the *volones*, in Campania, the other 2 being the *legiones Cannenses* under Marcellus. The 2 legions newly raised by Pera were first available for field service in 215. That did not leave Rome bare of defence, since the *legiones Cannenses* were presumably sent to Sicily by way of Rome and would not have left until the arrival of the Sicilian legions (they would use the same transports), and these could be detained near the city, so long as necessary.

In C, D, and E we have records of successive decisions taken by the senate in 215. C is no doubt defective, since it makes no distinction between the regular legions of the dictator and the *volones* and leaves Marcellus without an army after the withdrawal of the *Cannenses*; only in D do we hear that they were replaced by the 2 new urban legions raised by Pera and held in reserve in 216. The decision to give him the urban legions in place of the *legiones Cannenses* (D) perhaps reversed an earlier plan to place the former under Fabius. The ultimate division of Pera's army between the consuls was left until Gracchus' colleague had been elected; the record of the final decision is in E; Gracchus then got the *volones* and Fabius Pera's 2 regular legions. (In 214 Fabius, Marcellus, and Gracchus were each to retain the same armies they had commanded in 215.) No task was assigned early in 215 to the legions returning from Sicily; it was only late in the year that they were sent to Apulia. This succession of measures indicates how we may be misled either about the accuracy of the record or about the actual events, if we have only an account of decisions taken at the beginning of the year, which could be modified later. Here, if we allow for omissions, almost all we are told is probably basically correct, if a little confused in abbreviation. The description of the *legio classica* as legio III seems indeed to be an error, and the 'legion' disappears from view, probably amalgamated with the garrison force at Tarentum (p. 647). We also cannot believe that Gracchus had 25,000 allies with his *volones* (p. 649), though perhaps the number was authorized.

The list for 211 is again particularly confused.[1] Livy gives a total of 23 legions. Of these the following are attested in the same chapter:

4 at Capua under the proconsuls Q. Fulvius and Ap. Claudius
2 in Etruria
2 in Gaul
2 *Cannenses* in Sicily

[1] xxvi. 1.

2 in Sardinia
1 in Greece with the fleet under M. Laevinus
2 in Sicily with the fleet under T. Otacilius

This gives a total of only 15.

This list is manifestly incomplete, and either Livy or his source has failed to reproduce the full details given by L. By comparison with data for other years we can fill in the omissions. Livy has certainly not counted (i) 2 legions in Spain (he antedated the disaster there to 212);[1] (ii) 2 legions under C. Claudius Nero at Capua;[2] (iii) 2 newly raised urban legions;[3] (iv) 2 urban legions raised in 212 and now available for field service;[4] (v) 2 legions other than the *Cannenses* with Marcellus in Sicily. We now have a total of 25, not 23.

Livy's account is certainly contaminated from inferior sources. (*a*) The details given on the *legiones Cannenses* are unacceptable. (i) We are told that Marcellus was authorized to draft soldiers from these legions into his own army, provided that he drafted no soldier to whom the senate had denied discharge for the duration of the war.[5] This implies that the *legiones Cannenses* were not part of Marcellus' army,[6] but the account of Sicilian operations in Polybius and in Livy, who here depends on Polybius, is unintelligible unless Marcellus used more than the 2 legions which he must have brought with him from Italy (*infra*). I see no reason to think that the presence of the *legiones Cannenses* in Sicily is a fiction, but the story that they were debarred from active service, which appears explicitly elsewhere and is implied here, is absurd (*infra*). (ii) Livy states that the *legiones Cannenses* were now reinforced by the survivors of the first battle of Herdonia. With De Sanctis I believe that this battle is an invention, and consequently that the army of 2 legions in Apulia which is said to have been destroyed in this battle in 211 was still in being; this brings the total of legions up to 27.[7] (*b*) We have no other record that Otacilius had 2 legions. This isolated testimony which contradicts the lists for 214–212 must then be rejected, and the number of legions must be reduced to 25. The discordance of this total with Livy's may be explained by the supposition that as for some other years the Spanish legions were left out of

[1] De Sanctis iii. 2. 446 n. 4.

[2] xxvi. 5. 8, cf. xxv. 3. 4 (list for 212), 22. 7, etc. [3] xxvi. 28. 4.

[4] xxv. 3. 7. For the urban legions cf. Toynbee ii. 528 ff. They were regularly raised by the consuls (xxiii. 14. 2; xxv. 3. 7; xxvi. 28. 13) before they proceeded to their provinces. As argued by De Sanctis, the consuls of 211, who operated in Apulia, must have commanded (*a*) the legions falsely said to have been destroyed under Cn. Fulvius Flaccus and (*b*) the urban legions of 212. It was the latter force commanded by the consul Sulpicius which in my view was already mobilized at the time of Hannibal's march on Rome and which for a time pursued him on his withdrawal. The urban legions which were now being raised were not yet ready for active operations, and Fulvius, the other consul, took no part in this pursuit because the army allotted to him was already in Apulia.

[5] For the penalties imposed on the survivors of Cannae, and later on the survivors of the fictitious and authentic battles of Herdonia, see xxiii. 25. 7 (from C); xxv. 5. 10–7. 4 (invention); xxvi. 1. 7–9 (with fictional reference to first battle of Herdonia); xxvii. 7. 12 f.; 8. 12 ff. (where the statement that the survivors of the second battle of Herdonia numbered just 4334 is surely invention).

[6] So De Sanctis iii. 2. 278 n. 138.

[7] Toynbee ii. 48, cf. 524 ff. does not in my view satisfactorily answer De Sanctis's objections to the authenticity of the first battle of Herdonia.

account.[1] With these modifications the list is harmonious with the lists for other years.

Gelzer has sought to discredit the list for 211 by comparison with the testimony of Polybius.[2] He first points out that Polybius speaks of Hannibal attacking the camp at Capua of Ap. Claudius with no mention of the other armies which, according to Livy, were engaged in the siege; but he himself adds that his failure to mention Fulvius might be chance and that the siege required more than one consular army; the same argument applies to his omission of any mention of C. Nero's legions there. He then remarks that Hannibal feared to be assailed by the consular armies and identifies these armies, each of 2 legions, with the *stratopeda* which the consuls had raised or were in process of raising at the very time when Hannibal arrived outside Rome. In my view these armies consisted of (i) the 2 urban legions enlisted in 212 which had no doubt been given winter leave and were now being remustered; (ii) the 2 new urban legions which the consuls (as in most years of the Hannibalic war) had to raise for the protection of the city and for initial training.[3] Since both pairs of legions are mentioned by Livy,[4] though not in his careless enumeration of the legions available at the beginning of 211, there is no inconsistency between Polybius' narrative and the annalistic evidence; on the contrary, Polybius offers confirmation.

Gelzer also questions the veracity of Livy's statement that Laevinus had a legion and 50 ships. The legion is mentioned also in the lists for 214 and 213 and its omission in that for 212 could be due to negligence; in 210 we are told that its disbandment was *authorized*, but it reappears in 209, and P. Sulpicius who succeeded Laevinus had soldiers under his command that year.[5] At most there can be doubt whether the marines with the fleet could properly be called a legion. Gelzer thinks the figure of 50 too high for Laevinus' fleet, and I agree that its effective strength had been reduced to 25;[6] the legion was no doubt also very weak.

Gelzer also finds that the Polybian account of the campaigns in Sicily is inconsistent with the annalistic evidence on the assignment of commands and armies. According to Livy Sicily was allotted to the following praetors or propraetors:

215	Ap. Claudius
214–212	P. Cornelius Lentulus
211	C. Sulpicius
210–209	L. Cincius Alimentus
208	S. Iulius Caesar
207	C. Mamilius

In addition M. Claudius Marcellus, consul 214, was sent out to Sicily, where he arrived perhaps only in 213, to conduct the war with Syracuse; he remained

[1] The Spanish legions are not mentioned under 214 and 213 and, though mentioned, are probably not included in the total for 212. They are again ignored in 210, and though they are mentioned in 209 and 208, their number, now 4, is explicitly stated for the first time in 207 (xxvii. 36).

[2] ix. 3 ff. [3] See p. 652a. [4] See p. 652a nn. 3 and 4.

[5] Livy xxvi. 28. 9; xxvii. 7. 15, 30. 2 (P.); 32. 2 (P.)—4,000 'armati' who may be allies rather than legionaries.

[6] Appendix 24.

until 211, when he was replaced by the praetor, M. Cornelius Cethegus; in 210 the consul M. Valerius Laevinus took over. From 217 until his death in 211 T. Otacilius (praetor, 217 and 214) was in command of the fleet at Lilybaeum; this command passed to Laevinus who held it until 207.[1] Livy states that in 214 Lentulus went out to the army in Sicily which then consisted only of the *legiones Cannenses*. In fact Appius Claudius seems to have remained in command under Marcellus of the *Cannenses* in 213 (*infra*). In 213 and 212 Lentulus is said to be in charge of the old province, while Marcellus is confined to Hiero's kingdom, and in 212 to be in command of the *Cannenses*, like his successors, Sulpicius in 211, and Cincius in 210.[2] As to Marcellus' army, the lists for 213 and 212 give no information; that for 211 merely assumes its existence; in 210 the order for its discharge is mentioned, and at the same time Laevinus is given 2 legions for his command in Sicily, evidently as a replacement;[3] we may take it as certain that Marcellus had brought with him an army of the same size, as befitted a consul.

Let us now turn to the Polybian narrative of the military operations in Sicily.[4] (*a*) There is no mention of the praetors (other than Ap. Claudius) in command of the old province and the *legiones Cannenses*, nor of Otacilius as admiral at Lilybaeum. In 213 Appius (whose *imperium* is not said to have been renewed in Livy's lists) shares command with Marcellus; when he left to stand for the consulship at Rome, his place is taken by T. Quinctius Crispinus. Polybius makes out that at one stage Appius was in command of a fleet of 100 ships, while Marcellus had the land-forces, at another that Marcellus commanded the fleet and Appius, styled propraetor (this could be error), the army.[5] It can be assumed that at this time Lentulus was left to administer the old province, like his successors. It is more disturbing that we hear nothing of Otacilius. The whole fleet seems to have been at Marcellus' disposal, yet Otacilius was not there. But he might have been left in charge of the base at Lilybaeum, and resumed command of the fleet for raids on Africa when the fleet was no longer needed for operations against Syracuse.[6] (*b*) Marcellus had an army larger than 2 legions. During the siege, while leaving Appius with two-thirds of his force to watch the beleaguered city, he marched into the interior with a third; and he was strong enough, not to confront a Carthaginian army of 28,000 but to surprise and destroy a Sicilian force of 10,500.[7] It seems plausible to suppose that each third of his whole army consisted of a legion with its attendant allied contingents. A little later in 213 we hear of the arrival in Sicily of another legion;[8] probably this was the second legion of Marcellus' new army, whose transference to Sicily might have been delayed by shortage of transports. Thereafter there should have been 4 legions in Sicily; this is reconcilable with all the lists in Livy. But the 3 legions Marcellus had previously commanded must have included the *Cannenses*, and we must reject as interpolations from an inferior source all statements which suggest that they were not available for field operations (*supra*). It is obviously incredible that with

[1] References in *MRR*.

[2] xxiv. 12. 7, 44. 4; xxv. 3. 6, 5. 10; xxvi. 1. 9, 28. 11. [3] xxvi. 28. 4 and 10.

[4] Comparison of Pol. vii. 2–8; viii. 5–9; ix. 10 shows that in general Livy follows Polybius (De Sanctis iii. 2. 329 ff., 361).

[5] viii. 1. 7, 3 (5) 1. Both statements are misleading. [6] Thiel I. 86 f.

[7] Pol. viii. 7. 12; Livy xxiv. 35. [8] Livy xxiv. 36. 4.

a grave war to wage in Sicily and with almost insupportable demands on manpower to meet, the Romans should have denied themselves the use of these seasoned troops, to fight the Syracusans and the Carthaginian armies in the island, or indeed even to garrison Sicilian cities;[1] for that too would have been precluded by the alleged decision that they were not to be allowed to winter within a city.[2] This annalistic invention is indeed contradicted by the report later that Scipio was glad to use in his expeditionary force to Africa veterans of the Sicilian army, especially those who had served under Marcellus; these can only be soldiers in the *Cannenses*.[3]

It is perfectly true, as Gelzer shows, that there is no clear account in Livy of the size or composition of the force Scipio took to Africa. Livy expressly states that its size was variously given as 10,000 foot and 1,200 horse, 16,000 foot and 1,600 horse, or 35,000 in all, and that Coelius gave no numerical estimate.[4] He also says that in 205 Scipio was not empowered to raise troops by a levy and that he brought to Sicily only 7,000 volunteers.[5] Further, he asserts that for the expedition to Africa he brought the *Cannenses* up to a strength of 6,200 foot and 300 horse apiece (13,000) and also selected allies who were brigaded with them.[6] By contrast, the legionary list for 204 assigns the *Cannenses* to the praetor, M. Pomponius Matho, and to Scipio only the army and fleet which he already possessed in 205;[7] but in 205, a year for which there is no legionary list, we have heard only of his volunteers. However, we are also now told that he was authorized to select his troops from the forces in Sicily and that he consulted with Pomponius as to which legions and how many soldiers he should take to Africa; this is the prelude to his selection of the *Cannenses*.[8] The implication is that (like Marcellus and Laevinus) Scipio had at his disposal all the forces in Sicily, and that the allocation of the *Cannenses* to the praetorian governor, if authentic, was at best provisional. Moreover, after Scipio had left for Africa, we continue to find 2 legions in Sicily, expressly attested for 202 and 201;[9] in 203, where their number is not recorded explicitly (though it is implied to be 2 by the total stated to be under arms in that year), we are told that a *supplementum* of 3,000 men was sent to the island to replace men drafted from the African campaign;[10] this is evidently a reference to the account of Scipio strengthening the *Cannenses* before embarking with them.

Gelzer remarks that Livy has two accounts of the provincial arrangements for 205, the first of which he regards as reliable. In my view the source for this account should be L; unfortunately Livy has not transmitted the legionary list this source doubtless provided. Gelzer argues that the second comes from a later annalist. This too has no legionary list, but gives us the tale of the volunteers, probably a retrojection of Aemilianus' recruitment of volunteers in 134 (p. 396), and an equally dubious story of Italian 'allies' (some in fact Roman *municipia*) furnishing

[1] For garrisons in Sicilian cities xxiv. 37, etc. [2] xxvi. 1. 10.
[3] xxix. 1. 12. From 209 only the *Cannenses* were in Sicily, cf. xxvii. 7. 9 and 12 f. with 8. 13 ff. (209), 22. 8 (208), 36. 12 (207), xxviii. 10. 13 (206).
[4] xxix. 25. 1–4. For the second estimate cf. App. *Lib.* 13.
[5] xxviii. 46. 1 cf. xxix. 1; App. *Lib.* 7. [6] xxix. 24. 12 ff.
[7] xxix. 13. 6. [8] xxix. 22. 11 f., 24. 8, 26. 8.
[9] xxx. 27. 8, 41. 2. [10] xxx. 1. 9, 2. 1.

Scipio with necessary supplies of their own volition.[1] The legionary lists for later years show that Scipio had 2 legions in Africa and that 2 remained in Sicily; therefore, as we should expect, he was allotted the normal consular army of 2 legions in 205. I find it wholly credible that he received and availed himself of authority to use the *Cannenses* for his African expedition, reinforced from his own legions; naturally, he preferred the most seasoned troops. The numbers in his army are discussed elsewhere (pp. 672 ff.).

The annalist who preserved the legionary lists is plainly not discredited by the fictions of a different and later writer. For 205, as for 217 and 216, we have nothing in Livy on the number of legions that can be taken as derived from L, nothing that corresponds to the clear and explicit evidence for 207,[2] which Gelzer himself accepts as correct. The disposition of forces in 205 has therefore to be reconstructed from earlier and later lists. For 203–201 Livy gives totals,[3] and though he never states expressly how many or which legions Scipio had and also fails to specify in every case how many and which legions were under other commands, the totals can only be explained by assuming that Scipio had 2 legions, presumably the *Cannenses* reinforced, and that he must have brought 2 others to Sicily in 205, which (after being reduced in strength for the benefit of the *Cannenses*) remained in the island.

There can be no doubt that late and unreliable annalists gave discrepant accounts of the strength of Roman armies in the Hannibalic war, that some of these accounts appear in Livy's narrative, and that here and there he has tried to harmonize them with the evidence of L by interpolations in the legionary lists.[4] Moreover collation of one list with another shows that Livy has made omissions (e.g. of the raising of urban legions),[5] and his preference for literary variation and consequent dislike of systematically cataloguing the number of legions, province by province, and adding the complete total (which he does only for 207), make it necessary to interpret one list in the light of others and leave occasions for uncertainty.[6] De Sanctis's claim, however, that the coherence of the lists is incredible

[1] xxviii. 38. 12 f.; 45. 13–21. The story that Etruscan cities voluntarily furnished supplies is justly suspected by A. J. Pfiffig, *Historia* xv, 1966, 205 ff., cf. Thiel I. 145 ff. That Scipio was only allowed to recruit volunteers is probably a fable suggested by the composition of the *supplementum* taken by Scipio Aemilianus to Numantia in 134 (App. *Iber.* 84).

[2] xxvii. 36. 12 f.: 'Summa legionum trium et viginti ita per provincias divisa: binae consulum essent, quattuor Hispania haberet (never stated explicitly before), binas tres praetorea in Sicilia et Sardinia et Gallia, duas C. Terentius in Etruria, duas Q. Fulvius in Bruttiis, duas Q. Claudius circa Tarentum et Sallentinos, unam C. Hostilius Tubulus Capuae; duae urbanae ut scriberentur.' Gelzer thinks 34 ff. are embroidered with fictions; 35. 3 at least is false or misplaced. Often Livy does no more than name a province or say that it retained its old army. For 205 there is no list, therefore no mention of the legions assigned to P. Sempronius in Greece (xxix. 12. 2), on which see De Sanctis 509 n. 104; Gelzer 244.

[3] xxx. 1, cf. 2. 7, 27, 41; see discussions by De Sanctis.

[4] Especially in the list for 211.

[5] Cf. Toynbee ii. 528 ff.

[6] Cf. note 2. For instance in 202 we are told (xxx. 27) that there were 16 legions, but of these only 6 are located (in Gaul, Bruttium, and Sicily); the size of the armies in Africa and Etruria is unstated, and other provinces are not mentioned. It is from the list for 201 that we find that in 202 there were already 2 legions in Etruria and Spain and 1 in Sardinia; allowing for 2 with Scipio, we have still 3 more to locate by less certain inferences. The list for 201 (xxx. 41) gives a total of 14, and specifies the location of 12, leaving 2 for Scipio.

if they are systematically falsified seems to me to stand in spite of Gelzer's objections. The general picture presented is supported by Polybius' statement that Hannibal found it hard to make head against the Romans as they were operating against him with several armies in Italy,[1] and by the certainty that at the same time Rome had legions in Spain, Sicily, and Sardinia; the existence of forces in the north is made probable by Hannibal's failure to secure reinforcements from his Gallic and Ligurian allies (De Sanctis iii. 2. 325 f.).

(ii)

Gelzer allows that for the second century we can reckon with an increase in authentic information in Livy's annalistic sources, and remarks that Livy's statement on the *supplementa* Flamininus was authorized to take to Greece in 198 is confirmed by both Polybius and Ennius. But he thinks that once again comparison with Polybius (including those parts of Livy which derive from Polybius) shows that the records of decisions taken in the senate on the assignation of troops have been tampered with.[2] He cites four instances.

(1) According to Livy, M. Baebius, praetor in 192, was given the province of Bruttium with 2 legions and 15,500 allies and later in the same year ordered to cross with these forces to Apollonia.[3] Thereafter, the consul L. Quinctius was ordered to raise 10,700 men for the war with Antiochus and 2 new legions with 20,800 allies to be stationed in Bruttium, where they were in 191 placed under the command of the new praetor, A. Cornelius.[4] In the assignation of provinces for 191 the consul, M'. Glabrio, is given command of the army taken over to Macedon in the previous year, and we later hear of an edict he issued ordering the additional troops levied on his behalf by Quinctius to be at Brundisium by the Ides of May.[5] Piecing these statements together, we should infer that Glabrio eventually had at his disposal an army of 36,700 men (reckoning Baebius' 2 legions at 10,500), and that the greater part of this had crossed in 192, presumably before the winter, under Baebius.

However, the Polybian version of events shows that though Baebius had indeed crossed and was in winter quarters (doubtless at Apollonia), he had no large force at his command. While Antiochus was wintering at Chalcis, envoys from the Epirotes approached him in terms that suggest that there was certainly no substantial Roman army in their country, and Hannibal tendered him advice based on the same assumption. At the request of Philip, Baebius sent a force to Larisa, but he could spare only 2,000 men according to Appian (whose account may derive in part from Polybius).[6]

[1] Pol. ix. 26 (211, when according to De Sanctis there were 3 armies operating in Campania and 2 in Apulia, 10 legions in all, besides armies of 2 legions in Gaul and Etruria and 2 legions in reserve at Rome).

[2] He cites (*pp.* 250 f.) Livy xxxii. 8. 2, 9. 6; Enn. *Ann.* 322. Livy gives us much less information for 200–168 than for 215–200; no total of legions except in 180 (xl. 36. 13); sometimes no account of distribution. Thiel I. 210 ff., 260 ff., 265 ff. convincingly defends some impugned statements on fleets, showing that it is fallacious to argue that a *senatus consultum* was fictitious because we know that it was not executed.

[3] xxxv. 20. 10 ff. (with careless confusion of Baebius and Atilius); 23. 5, 24. 7; xxxvi. 1. 7, 8. 6, 10. 10.

[4] xxxv. 41. 4 f. and 7.

[5] xxxvi. 1. 7, 3. 13.

[6] Pol. xx. 3. 2; Livy xxxvi. 5. 4, cf. 7. 19 (P.); App. *Syr.* 16.

This discrepancy can perhaps be reconciled if we suppose that Baebius had been unable to transport more than a small part of his army to Epirus before the winter of 192/1. It is true that this must have been known at Rome when the senate made its dispositions early in the consular year 191/190, and that an annalist (if not Livy) has carelessly written as if his whole army were already beyond the sea. This is also implied in the account of the levy Quinctius was authorized to make.

The strength of Glabrio's army is variously given. Polybius made him cross with 20,000 foot and 2,000 horse.[1] This estimate should exclude the advance guard under Baebius. If we take the Livian total seriously as an estimate of forces actually raised, and seek to reconcile it with this Polybian figure, we should have to suppose that Baebius, while unable to transport his whole army across the Adriatic in the previous year, had shipped some 15,000 foot, but no cavalry; the Polybian figure of 2,000 cavalry could be taken as a round estimate for 1,800, the total of cavalry placed at Baebius' disposal and raised by Quinctius. The force which Baebius really had at Apollonia seems, however, to have been smaller. It therefore looks as if the annalistic evidence is unsound.[2] However, two other possibilities may be suggested. First, we must not assume that decisions of the senate reported by the annalists were always executed, even if the annalists themselves make that assumption. Just as Baebius evidently did not cross in 192 with his whole army, so Quinctius may have failed to raise the full number of recruits he was authorized to enlist. On this view Polybius gave perhaps an accurate estimate of the force which crossed with Glabrio, consisting partly of troops left behind by Baebius, partly of Quinctius' new recruits. Second, Polybius may be merely calculating the number of Glabrio's 2 legions and allied contingents in accordance with his supposition that Romans and allies provided equal numbers of foot, which may be false (Appendix 26).

(2) Livy tells us that in 190 A. Cornelius in command of the new army in Bruttium was authorized to take it across to Greece, and either place it under Glabrio's command or retain command himself (if Glabrio returned home). By 189 he indicates that Cornelius' army was actually in Greece.[3] Both these statements come from the L texts. But it appears from the Polybian version that it was not until 189 that the consul, Fulvius, who was to command this army in the Aetolian war, transported it to Greece.[4] Is this error very serious? Another passage (which indeed is also suspect) attests that Cornelius himself was in Greece, though it says nothing of his army. It may be that he had crossed personally with a small advance guard, but that an annalist assumed that the *senatus consultum* of 190 had been carried out, and that his presence in Greece entailed that of his army; the account of the disposition of forces in 189 was then touched up to suit this reconstruction.

[1] Livy xxxvi. 14. 1, cf. 12. 10 (P.); App. *Syr.* 17.

[2] Appian *Syr.* 15 says [the senate voted to Glabrio 20,000 legionaries and 40,000 allies, i.e. an army of 4 legions and (in accordance with the ratio Appian elsewhere assumes, cf. Appendix 26) twice as many allies. This must be wrong, and is contradicted by *Syr.* 17.

[3] xxxvi. 2. 6, cf. xxxv. 41. 7; xxxvii. 2. 7, 48. 5, 50. 4.

[4] Pol. xxi. 25. 9; Livy xxxviii. 3. 9 (P.).

(3) We have variant accounts of the force sent under C. Sicinius, praetor 172, in advance of the main army destined to fight Perseus in 171.

(*a*) He was instructed to raise troops and cross with them to Apollonia as early as possible.[1]

(*b*) He was ordered (i) to recruit personnel for 25 warships; (ii) to enlist from the allies 8,000 foot and 400 horse, to be sent to Macedon under A. Atilius; (iii) he was to receive a veteran legion in Liguria from the consul, together with 4,000 allied foot and 200 horse, who were to muster at Brundisium in February 171; with these he was to cross to Macedon, which was allotted to him as a province until the consul of 171 arrived. (Legionary horse should have numbered 200–300.[2])

(*c*) The consul of 171 to whom Macedon was allotted was to have 2 legions and of allies 'sedecim milia peditum octingentos equites, praeter eos, quos Cn. Sicinius duxisset, sescentos equites'.[3]

(*d*) He actually crossed with 5,000 foot and 300 horse.[4]

(*e*) He detached 2,000 men to join Atilius in holding Larisa (Polybius).[5]

Of these statements (*a*) is so vague as to be compatible with all the rest. In (*c*) it seems clear to me that the text is defective; the repetition of 'equites' is awkward: I would read 'praeter eos quos Sicinius duxisset, . . . pedites, sescentos equites'. Here the senate is made to assume that Sicinius would have crossed before the consul with a force including 600 *equites*. That force therefore comprised fewer *equites* than would have been the case if Sicinius had been able to muster all the troops allotted to him under (*b*), about 800–900. We can suppose that Sicinius was unable to secure all the troops listed there, perhaps because the consul, Popillius, was uncooperative. If the *senatus consulta* summarized in (*b*) and (*c*) are both authentic, the senate was evidently aware of this, when it passed the second decree, but still too optimistic; in fact, if (*d*) be correct, Sicinius actually crossed with only 300 horse, as well as 5,000 foot; this statement is of course consistent with Polybius' in (*e*). Gelzer makes the mistake of imputing to Livy the statement that Sicinius actually commanded the troops named in (*b*), whereas he refers only to a decision that he should command them. I do not think therefore that (*b*) need be rejected, though it is not one of the *L*-texts, as (*c*) is. We have here perhaps a succession of decisions in (*a*) to (*c*), which were not fully implemented, and a record in (*d*), which may, as Gelzer concedes, be correct, of the force Sicinius really took with him.

(4) Livy says that in 169 *supplementa* of 12,550 were voted for the army in the east, but the Polybian account shows that the consul of the year brought with him only 5,000.[6] Here again there is no such inconsistency as Gelzer supposes; there is a difference between a decree and its execution; the consul may have been impatient to be off, without awaiting the completion of the levy. Thiel has rightly explained some difficulties raised by Livy's references to fleets in the same way (p. 657 n. 2). If the ultimate source of many annalistic statements was the *acta senatus*, it was easier for annalists to find out what was decided than whether a decision was carried out, and tempting for them on occasions to assume that it was, when the truth may have been that it was not.

[1] xlii. 18. 3.
[2] xlii. 31. 3.
[3] xlii. 47. 11.
[4] xlii. 27. 3–5.
[5] xlii. 36. 8.
[6] xliii. 12. 3, cf. xliv. 1. 1 (*P.*).

In some instances, indeed, the passages based on records have been interpolated to fit annalistic inventions in the narrative (e.g. the first battle of Herdonia and the punishment of the *legiones Cannenses*). In general, however, the coherence of the detailed statements on legions for the Hannibalic war inspires confidence in them, and though the same claim cannot be made for this kind of evidence in relation to the years 200–168, if only because Livy gives it less fully, it is clear that it should not be less reliable for these years than for the previous 18.[1]

[1] For a systematic presentation of the material I must again refer to De Sanctis and Afzelius; just as Gelzer restricted himself to raising objections, so I have attempted no more than to answer the objections he raised.

23. LEGIONS IN SPAIN, 200–90 B.C.

In 201 the senate, we are told, resolved that the 2 legions then in Spain should be amalgamated into a single legion, and veterans brought home.[1] Livy's statement on the distribution of legions in 200 does not allow for the presence of even one in Spain. But his list is not complete. Troops certainly remained in Spain; in 197 it was decided to discharge them and replace them with 8,400 allies in each province; conceivably the garrison had consisted only of allies from 200. In 196 two legions were sent there, the praetorian governor of each province having one.[2] In 195 Cato as consul took out, in addition, 2 legions; they were discharged on his departure.[3] Until 188 at least each province had only 1 legion.[4] Except when Cato was in command, the governors were all praetorian. However, by 184 we find 4 legions, though the governors were still praetorian.[5] Livy is incomplete or silent on the disposition of forces in 187 and 185, and Afzelius plausibly argues that the doubling of the Spanish armies goes back to 187, on the ground that in 186 exceptionally large allied *supplementa* were dispatched, whose number is more consonant with the presence of 4 than of 2 legions. For the following years Livy is content to speak of the retention of the same armies in the Spanish provinces and to record the dispatch of *supplementa*, but in 180 he states that Ti. Sempronius Gracchus was authorized to take out a new legion to Nearer Spain together with 1,000 Roman foot and 50 horse; at the same time his predecessor, Q. Fulvius Flaccus, was allowed to bring home veteran soldiers for his triumph, on condition that the strength of the 2 legions in Nearer Spain should not fall below 10,400 foot and 600 horse; assuming that Gracchus' new legion was at full strength, then his other legion was to be made up of the *supplementa* he brought and of those soldiers in Fulvius' army who had served the shortest time.[6] A new legion was dispatched to Nearer Spain once more in 177;[7] and the same procedure may have been followed, on the assumption that there were still 2 legions in the province.

This is not indeed attested. As Livy's account of the disposition of legions in 178 is lost, and as we have no explicit evidence for the number of legions in either province from 177 to 167, it is reasonable to think that Gracchus' success in ending the Celtiberian war and the apparent cessation of serious fighting in all Spain until 154 led the government to reduce the number of legions in 179;[8]

[1] The evidence for legions 200–168 is given fully by Afzelius II, 34 ff. For references to magistrates see *MRR*.

[2] Livy xxx. 41. 4 f., cf. xxxi. 8. 5–11; xxxii. 28. 11; for their replacement, xxxiii. 43. 6 ff.

[3] Livy xxxiii. 43. 3 ff.; xxxiv. 43. 7 f.

[4] Livy xxxviii. 36. 1 ff.

[5] xxxix. 38. 11. Cf. Afzelius II, 40 f.

[6] xl. 35. 9–36. 11; for a parallel cf. xxxix. 38; Toynbee ii. 76–9.

[7] xli. 9. 3.

[8] Gracchus is said to have finished the war in 179 (xl. 50. 5), though he did not triumph till 177. Gracchus' immediate successors, Titinius and Ap. Claudius, received respectively a triumph in 175 and an ovation in 174 for minor successes; no other fighting is known.

certainly they seem to have done so before 154 (*infra*). But Livy's evidence on the size of *supplementa* seems to be against this. The 2 legions in Spain 196–189 are recorded to have been reinforced by *supplementa* of 14,000 legionary foot sent in alternate years at a rate of about 830 per legion per year. From 187 (when in default of evidence I assume that no *supplementa* were sent to the legions) to 179 the number recorded is 18,000, i.e. 2,000 a year, or 500 for each of 4 legions. To this number we should, however, add Gracchus' new legion, bringing the total to 23,200, i.e. about 2,580 a year, or 645 for each of the 4 legions. In 176, and each year from 174 to 172, and again in 169, 3,000 were sent. The same figure may be assumed for 178 and 175, when Livy is silent, but probably not for 171 and 170, when the demands of the war with Perseus may have decided the government to levy no more troops for Spain. In 177 we must add the new full legion then dispatched. The total is then 26,200 or 2,620 a year, i.e. about 650 per legion, if there were four, or twice as many, if there were only two. The close correspondence of this annual figure to that found for the period when there were undoubtedly 4 legions in Spain suggests that none had been withdrawn.[1]

This argument is not decisive. The rate at which the government sent *supplementa* was determined, we might suppose, by three considerations: (1) the total strength of forces in Spain; (2) the need to replace losses; (3) the desirability of discharging soldiers after some years of service.[2] The first consideration explains why the rate of replacement per legion declines after the number of legions had been doubled; it was less necessary to keep them all up to strength. Now before 179 losses must have been heavy, but not afterwards. If the rate of replacement remained the same, the aim must have been to discharge veterans earlier. But in that case we cannot put any *a priori* limitation on the rate at which the government might have wished to replace soldiers. Between 178 and 172 other legions, serving in Cisalpina and Sardinia, were demobilized after 3 years or less. It must have seemed inequitable to keep men in Spain much longer with the standards. So long as there were serious hostilities in Spain, this consideration could be outweighed by the need to have experienced soldiers in the province (cf. p. 661 n. 6). But after Gracchus' success there were only guerrilla operations. In 171–168 the two Spanish provinces were entrusted to a single praetor, and it would be odd if so large an army as 4 legions were under his command.[3] Suppose that from 178 the garrison in each province was reduced to a single legion, and that the nominal strength of legionary forces in Spain was 10,400 foot and 600 horse

[1] See Afzelius' table (II, 57). The argument from *supplementa* will have no force for scholars who doubt the authenticity of Livy's information on numbers of legions, etc.; but see Appendix 22. Gelzer, *Kl. Schr.* iii. 235 apparently regards statements on the number of men sent as *supplementa* as characteristic of the late and less reliable annalists (though he makes a possible exception of Livy xxii. 22. 1); but he gives no proof that they in particular are fictitious. I see nothing suspicious in the data used here. The *supplementa* allegedly sent to armies in the east, at least in 189 (Livy xxxvii. 50. 3 f.) and in 170 and 169 (xliii. 12. 3; xliv. 21. 6), are surprisingly large, but might be accounted for on the assumptions (*a*) that allowance was made for detached garrisons; (*b*) that they were to replace men discharged as well as men lost; in 169 the discharge of veterans is attested (cf. also xliii. 14. 9).

[2] Cf. Livy xxxiv. 56. 8; xxxix. 38. 10 f.; xl. 36. 8 f.

[3] If so large an army had been required in Spain, one would have expected, if not two praetors, a consul; in these years the consul not sent east was engaged in petty operations in Cisalpina.

(Appendix 25), then if we ignore losses from sickness and occasional operations, with *supplementa* at the rate of 2,620 a year, a man had a chance on average of being discharged after 4 years; if we take losses into account and assume that the nominal strength of the legions was kept up, perhaps after 5. If, on the other hand, there were 4 legions, he would have had to serve for 8–10 years. However, there is evidence which suggests that 6 years were treated as a proper *maximum* for continuous service in Spain (pp. 400 f.). It thus appears that the first alternative is the more probable, and that the strength of the armies in Spain was reduced to 2 legions in 178.

Between 154 and 133 both Spanish provinces witnessed constant fighting.[1] The governors were sometimes praetorian, sometimes consular. The former certainly had some Roman and Italian troops. Consular commanders are twice credited expressly with 2 legions;[2] this we should expect. In 142, when the proconsul, Q. Caecilius Metellus, succeeded the praetorian governor, Nigidius, in Nearer Spain, we are told that he brought out a larger army. This implies that Nigidius had a smaller army, presumably comprising a single legion.[3] In 153–2 L. Mummius, who was of praetorian standing, governed Further Spain with an army of 14,000 men; the total is too low to have included two legions.[4] Similarly, in 146–5 C. Plautius, who was praetorian, 'brought from Rome' only 10,000 foot and 1,300 horse; again the figures must represent a single legion with its *auxilia*.[5] Where figures are given for consular armies, they are normally significantly greater. The ratio is not indeed unvaryingly that of 2:1. Spanish tribes were under an obligation to provide contingents at the governor's command, and we sometimes hear explicitly of such contingents,[6] as at the siege of Numantia by Scipio; his army was preponderantly composed of Spaniards and also included Numidians; he is said to have disposed of 60,000 men, of whom probably no more than a third came from Italy.[7] In giving 'Roman' casualties, Appian not only seems to include Italians but probably all who were fighting on the Roman side. When we read that the consular armies of Q. Fulvius Nobilior in Nearer Spain in 153[8] and of Q. Metellus in the same province in 142[9] were nearly or rather more than 30,000, we need not assume that each comprised only 2 legions *plus* about 20,000 Italian allies (at the high ratio of 2 Italians to every citizen); an unknown proportion may have been Spaniards and the number of Italian allies smaller. The consular army that Mancinus saved by his capitulation is variously given as 20,000, 30,000, and 40,000; the higher figures (of which one must be erroneous) must be estimates of its total strength, including native troops, and Plutarch must be wrong in thinking that the lower figure, which he gives, represents only citizens: the Italian allies must also be comprised.[10] The survivors of Mancinus' 2 legions and Italian auxiliaries remained in Nearer Spain

[1] H. Simon, *Roms Kriege in Spanien 154–33 v. Chr.*, 1962, see especially index s.v. 'Heeresstarke'.

[2] App. *Iber.* 65, 67.

[3] Ibid. 76, cf. Simon 78 ff.

[4] App. *Iber.* 56.

[5] Ibid. 64.

[6] Ibid. 44, 47, 48.

[7] Simon 173 ff.

[8] Appian 45.

[9] Ibid. 76.

[10] Plut. *Ti. Gr.* 5; other figures in Simon 148 n. 16. (Plutarch's inaccuracy here might make us beware of relying on his assertion (ibid. 9. 3) that Gracchus' agrarian bill was to assist citizens only.)

until Scipio took over the command; though he brought with him only 4,000 volunteers to reinforce them,[1] the Italian element in his army should have been of the order of 20,000. It is, at first sight, mysterious that Appian gives the full strength of the consular army of Q. Fabius Maximus Aemilianus in 145, whom he states to have commanded 2 legions, as only 15,000 foot and about 2,000 horse,[2] while Q. Fabius Maximus Servilianus, who is also recorded to have commanded 2 legions, is credited with only 18,000 foot and 1,600 horse.[3] Probably Appian confused the new troops each consul brought with him, viz. 1 new legion plus *supplementa*, with the full strength of his army. Apart from these new troops, Aemilianus surely took over the remnants of the defeated praetorian army of his predecessor, C. Plautius (p. 663 n. 5); and Servilianus likewise succeeded a praetorian governor, Quinctius, who had also suffered losses.[4] Both should have had over 20,000 Italian troops under their command.

It is clear at least that there were always 2 legions in the peninsula, increased to 4 only when both provinces had consular governors. Statements that the normal garrison of each province consisted of 2 legions are contrary to the evidence.[5]

After 133 Spain was relatively peaceful, and consular governors are seldom recorded there. But Appian mentions fighting under a Piso (who was killed), under Ser. Galba, perhaps in or after his praetorship rather than in his consulship in 108, and under M. Marius. Obsequens registers fighting against the Lusitanians in 105, 101, and 99, and Q. Servilius Caepio and L. Cornelius Dolabella triumphed from Further Spain in 107 and 98 respectively. Regular praetorian governors may be assumed to have had one legion each, as in the past. In 123 the consul, Q. Metellus, conquered the Balearic Isles from Nearer Spain, which I take to have been his province; he should have had 2 legions. Appian says that in the Cimbric war Rome could send no soldiers to Spain, but the evidence of Obsequens shows that that must mean only that no *supplementa* were dispatched. (The Cimbric invaders of Spain were repelled by the Celtiberians.) In 98 the consul, T. Didius, arrived in Nearer Spain, and was engaged in fighting with a few troops before the arrival of his legions, presumably the normal consular army; he may have found one weakened legion already in the province. He was there from 98 to 94, and from 93 to an uncertain date another consular, C. Valerius Flaccus, operated in Nearer Spain; both earned triumphs. Appian, whose account of fighting in these years is manifestly incomplete, ignores the activity of another consular, P. Licinius Crassus, in Further Spain between 97 and 94, and of a Nasica, evidently praetorian, which is dated by Obsequens to 94; he may have succeeded either Didius in Nearer Spain or Crassus in Further. Crassus, who also triumphed, must have had at least 2 legions, like Didius and Flaccus. [P. Servilius Vatia, who triumphed *pro praetore* in October 88, can hardly have commanded under Crassus in Spain, and is plausibly assigned by Badian to Sardinia.] But the general picture Appian draws of a country more or less at peace is probably correct, except for a few regions, and though we do not know to what provinces (if any) many consuls between 133 and 90 were assigned, it seems likely that praetors were normally placed in charge of both Spains with one-

[1] App. 84.
[2] Ibid. 65.
[3] Ibid. 67.
[4] Ibid. 66.
[5] *Contra* Afzelius, followed by Wilson 25.

legion armies, supplemented by native levies.[1] In this relatively pacific period there was doubtless a cultural advance which paved the way for the success of Sertorius. Even in the 80s, when Rome was distracted by civil war, Spain gave little or no trouble, and the strength of the Roman garrison could be still further reduced.

[1] *MRR sub annis*; cf. Obsequens 42, 44a, 46. Piso and Galba conjecturally 112–111, Marius conjecturally 102; App. 99 f. On Flaccus and Servilius see E. Badian, *Studies in Greek and Roman History* 88 ff., 82 ff. [Broughton thought that Servilius might have commanded in Cilicia (*MRR* ii. 30 n. 8), but he would then have been mentioned in our accounts of the Mithridatic war: Sardinia must be presumed by elimination. Rome could not have spared a legion for Sardinia in 90; probably then Servilius took command there in 91, and the table of legions on p. 433 has been amended accordingly.] Flaccus seems to have had no Spanish command, when Sertorius arrived, though he did not triumph until 81; by 83 he was probably confined to Gaul. Didius; Front. *Strat.* i. 8. 5. Cimbric invasion, *Per.* Livy lxvi; Plut. *Mar.* 14.

24. ROMAN FLEETS, 218–146 B.C.

THE evidence on this subject up to 167 has been carefully analysed by J. H. Thiel, and I need not give it again.[1] But I suspect that he has made too little allowance for the failure of the Roman government to implement all the decisions taken at the beginning of a year and reported by Livy, and for their inability to keep ships in commission, if only because of the depletion of the crews through disease and desertion and the difficulty of replacing lost personnel.

In 218 Rome apparently had 220 ships in service, and Thiel supposes that in most years they kept these ships at sea or in Rome or Sicily immediately available for operations; in 208 they actually raised the number to 280. These suppositions are highly dubious.

Let us take first the squadron operating in the Adriatic and in Greek waters. It was raised from 10 in 216 to 50 in 215, and Thiel assumes that there were 50 ships in service in the East continuously from 215 to 208, that the squadron was much reduced in 207 and 206, brought up to 35 in 205, and then withdrawn. However, in the treaty with the Aetolians in 211 the Romans undertook to contribute 'not less than 25 ships' (Livy xxvi. 24. 10), and in 209 the Roman admiral, P. Sulpicius, had only 25.[2] Thiel argues that the Romans had to leave ships to protect Corcyra, etc., and that the minimum number they undertook to provide shows that they had more in reserve. This is not convincing. He also remarks that there is no trace of the remaining 25 ships operating in Italian waters. That is natural enough, if they were not effective at all for lack of crews. I conclude that between 215 and 211 the strength of the squadron was halved as a result of the death or desertion of crews.

Next the ships in Spain. I accept Thiel's view that the Roman squadron was 15 strong in 218 and 35 from 217. But no naval operations are reported from 217 until the arrival of the younger Scipio, and in 215 the *socii navales* were short of all supplies (xxiii. 48); the Roman generals must have been tempted to use at least the marines from their fleet on land. When C. Claudius Nero was sent to Spain with reinforcements, we are told that he hauled his ships ashore and incorporated the *socii navales* with his land forces, a not uncommon practice (Thiel 107; cf. 70 n. 109); I doubt if he had any warships fit for service. In 210 the younger Scipio was dispatched to take command with 30 or 28 quinqueremes (Thiel 111 n. 250); as Thiel observes, they were not needed in Spanish waters (perhaps they were used to transport the troops), and Scipio 'hauled them ashore, undoubtedly'; in 209 he had only 35 warships in commission (Pol. x. 17. 13). It is, therefore, unrealistic to state the strength of the Spanish squadron from 210 as 65 or 63. After taking New Carthage in 209, Scipio drafted captives into his fleet, and Polybius says that this enabled him not only to put into commission 18 captured enemy vessels but to double the strength of his crews.

[1] All references in the text are to Thiel I.

[2] His inactivity after 209 (Thiel I. 128 f., 135 ff.) was probably due to difficulty in keeping even 25 ships fully manned.

Evidently even his 35 warships had been undermanned. He now had 53 in commission, but in 208 50 were ordered to Sardinia (Livy xxvii. 22. 6–8). Whether as many were actually sent is not so certain, but perhaps we should suppose that they were. That would have left Scipio with only 3 quinqueremes in commission, and in fact in 206 Laelius had to assail Gades with a single quinquereme and 7 triremes. No doubt most of the 31 or 33 warships which should still have been in Spain (83 or 81, less 50) were unserviceable or could not be manned.

I come now to the fleet centred on Sicily. On the annalistic evidence, which Thiel is right in principle to accept, it numbered 50 ships in 218–217, 75 in 216–215, 130 in 214–212, 100 in 211–207; detachments were sent to Illyrian waters in 216 and to Tarentine in 209–208. For 214 the number seems to be roughly confirmed by the fact that Livy, probably on Polybius' authority, says that it was more than twice as large as Bomilcar's squadron of 55. However, Livy (or Polybius) may be dealing in paper strengths. The fleet was probably manned largely by Sicilians and desertions were numerous (Thiel 77 n. 128). By 212 Marcellus had only 60 ships, no match for 130 under Bomilcar (Livy xxv. 27). The ill success of Bomilcar in these years was apparently due to his own incompetence rather than to the effectiveness of Roman naval resistance. In 211 the Roman fleet is given as 100 ships and Thiel (87 f.) assumes that 30 had been withdrawn to sail with Scipio next year to Spain. But it may be that these were all the ships in Sicily that it was hoped to man, though after the fall of Syracuse Rome was in a better position to impress Sicilian rowers. The real strength of the fleet in 212 may have been lower; it is possible, as Thiel contends, that Marcellus had more than 60 ships and had divided his fleet, but that cannot be taken for granted. Indeed, it seems doubtful to me whether Laevinus really had 100 ships in commission in 211–210; in 210 he returned to Rome with 10, while sending 50 to raid Africa (Thiel 113); perhaps the effective strength of his fleet was no more than 60, just as that in Greek waters was 25, not 50, and that in Spanish waters was 35, not 65 or 63. In 209, after detaching 30 ships towards Tarentum, Laevinus could venture on no offensive operations (Thiel 116 f.). If it be true that in 208 Laevinus was able to make a descent on Africa with 100 ships (Livy xxvii. 29; cf. Thiel 130 ff.), including the 30 formerly detached to Tarentum, that may mean that by recruiting in Sicily he had once again increased his effective strength. Thiel assumes that his fleet also comprised 100 ships in 207 (p. 134). In 206 it was reduced to 30 (p. 139), increased to 60 in 205 (p. 145); however, Scipio took only 40 warships to Africa, perhaps because of the difficulty of manning more in addition to his 400 transports (p. 156). The nominal strength of the Sicilian fleet was once more raised to 40 in 203 (p. 162), but how many were really commissioned may be doubted.

The results of this examination are summarized in Table XVI (overleaf).

The ships nominally in the named theatres of war were of course all there, but hauled up. Since Rome had begun the war with at least 220 ships (all of which could be manned in 218 before the revolts of so many allies) and built others in subsequent years, some ships were in reserve at Rome. In 215, when the number of ships in the Adriatic and in Spanish and Sicilian waters was on Thiel's showing only 160, some were sent to Sardinia, where they were hauled ashore;

TABLE XVI

NAVAL EFFORT IN THE HANNIBALIC WAR

	212		208	
	Nominal	In Commission	Nominal	In Commission
Greece	50 ships	25 ships	50 ships	25 ships
Spain	35 ,,	under 35 ,,	83 ,,	53 ,,
Sicily	130 ,,	over 60 ,,	100 ,,	100 ,,
Totals	215 ,,	120(?) ,,	233 ,,	178 ,,

the crews were employed on land (Thiel 69), and the vessels must have been immobilized. A small squadron was also dispatched to Calabria (Thiel 72). Thereafter for some years no ships could be spared from the Greek, Spanish, and Sicilian operations.[1] It was not till 208 that any ships could be sent to Sardinia, and then from Spain. The figures in Table XVI thus represent the total naval effort of Rome in 212 and probably in 208.[2] After 208 the squadron, nominally of 50 ships, based on Sardinia was so inactive against Mago, though it could in 205 capture or disperse Carthaginian transports sailing without escorts (Thiel 151), that I question whether it was kept at its initial strength. The admiral, Octavius, was given a more general mandate in 204 and we are then told that he had 40 ships (Thiel 154 f.); I take this to be another instance of wastage, and its inactivity in 203 (Thiel 172 f.) may be explained by the hypothesis that even the 40 ships were undermanned; late in that year Octavius took only 30 across to Africa (Thiel 174), and though we hear that 10 ships were voted to the governor of Sardinia in 201 (Livy xxx. 41. 8), which may well have been the remainder of Octavius' squadron, they need not have been continuously in commission. The numbers of ships in service in 202 and 201 were again very high, according to Thiel, but his conclusions are disputable. Since the strain on Roman manpower was certainly less by this date, when so many legions had been disbanded, the controversy may be left untouched here. See Addenda.

It seems to me likely that the actual strength of the Roman fleets in the two years, 212 and 208, when manpower was most gravely stretched, was less than Thiel thinks, not much more than half in 212 and a little over three-quarters in 208. Thiel himself stresses that the crews were mainly supplied by Rome's allies (195 ff.). Roman slaves were recruited in 214 and 210,[3] and Roman *proletarii* including freedmen were used on shipboard. In the shortage of *assidui* during this war I make no doubt that they were armed as marines. Naturally Italian

[1] Again shortage of men probably accounts for this; with new ships built, Rome had more ships than were in service; but squadrons operating off the Italian coasts could be manned only by Italians, or their slaves.

[2] Thiel I. 126 holds that 50 more ships were commissioned in 208 to protect the shores of Italy; Livy xxvii. 22. 12 shows that the urban praetor was authorized to fit out so many, but we hear no more of them, and I doubt if the instructions could be carried out, for lack of personnel.

[3] Livy xxiv. 11. 7 ff.; xxvi. 35 (recording resentment of owners).

allies provided at least half of the marines, just as they provided at least half of Romea' soldiers.[1] The normal complement of marines is held to be 40 per quinquereme.[2] Hence, even with 200 quinqueremes in commission, the requirement for soldiers was no more than 8,000. Polybius thought that at Ecnomus in 256 each ship had 120 marines; rightly or wrongly, he supposed that 4 legions had embarked on ships.[3] Rome certainly had no men to spare on this scale for her fleets in the Hannibalic war, and no need for them, since there was little fighting at sea; we may perhaps suppose that when it did occur or was thought likely, legionaries and allied soldiers (e.g. from the Sicilian or Spanish armies) were embarked. The rowers were certainly not merely drawn from Roman (or allied) slaves and *proletarii*. It is attested that the younger Scipio impressed captives in Spain, and probably his father and uncle had anticipated him. The Sicilians had naval obligations to Rome (App. *Sic.* 2), probably to furnish men rather than ships (we hear nothing of ships sent to aid Rome by Sicilian cities), and the *socii navales* who deserted after the revolt of Syracuse (Thiel 77 n. 128) were doubtless mainly Sicilians. Probably too the Roman admirals operating in Greek waters could pick up oarsmen locally. Ships may have been undermanned when they left Rome, as the government would count on local recruiting when they reached their destination in Sicily or elsewhere. (See Addenda.)

In the eastern wars of the early second century the Roman naval effort was much smaller. Against Philip V they employed at least 50 ships, in service 200–194; Thiel (210 f.) argues that another 25 were used to protect lines of communication in the Adriatic. In the Syrian war (191–189) 77 were operating in eastern waters, 18 in the Adriatic, and 20 off Sicily (Thiel 260 ff.). Only 40 ships were sent to the Aegean for the war with Perseus (172–68), though 50 may have been equipped, and the remainder used for miscellaneous tasks; some of these may have been incorporated in the small squadron of 8, or perhaps rather 18, which operated against the Illyrians from 170 to 168 (Thiel 375 ff.). All these ships *may* have been dispatched from Rome fully manned, but extra rowers *may* have been found in Sicily on their way out. In 192 A. Atilius seems to have had the maximum complement of 120 marines on board each quinquereme (Thiel 277); there were 2,000 Latins and allies and 1,000 Romans.[4] In 172 Roman freedmen were to provide men required (not necessarily full crews) for 25 ships and the allies for 25, but in 171 it was decided to change the proportion to 2 freedmen for every Italian; in 169 a *supplementum* consisted of 1,000 freedmen, 500 Italians, and 500 Sicilians;[5] all these figures doubtless relate to rowers, though I do not feel any certainty that freedmen and *proletarii* may not have been employed as marines too. The fact that a large number of the personnel had died of disease and many of the Sicilians had deserted by 168[6] is an illustration of the wastage that must always have been common and bears out my assumptions about the disparity of nominal and actual fleet strengths in the Hannibalic war. It may be noted that slaves were no longer employed; they were too valuable to their owners to be called up for naval service except in the direst emergency (cf. p. 668 n. 3).

[1] Thiel I. 196 seems not to allow for this, but cf. nn. 4, 5, and p. 670 n. 1.
[2] J. Kromayer, *Philol.*, 1897, 485 f.
[3] i. 26. 7, cf. Thiel II. 209 ff.
[4] Livy xxxv. 20. 12.
[5] Livy xlii. 27. 3, 31. 6 f.; xliii 12. 9.
[6] xliv. 20. 6.

On the assumption that each ship had initially a complement of rowers and marines together of about 400, the number of men at sea in 200–194 was at most 20,000 (or 30,000, if Thiel's conjectural squadron in the Adriatic is accepted), in 191–189 42,000, in 172–170 20,000, and in 170–168 perhaps 27,000. We know that in the third Macedonian war some were Sicilians, and that may be assumed of the earlier wars, particularly for the squadron based on Sicily in 191–189. If the ratio used for the *supplementum* in 169 was conventional, a quarter of the oarsmen would have been Sicilians, or rather under a fifth of all the personnel. It is, therefore, possible that in 200–194 about 16,000–24,000 Italians (including Romans) were required, in 191–189 about 30,000 (more Sicilians may then have been used, for local service), in 172–171 16,000 and in 170–168 perhaps 20,000.

In 195 Cato took 25 warships to Spain; we do not know whether later commanders in Spain had any naval force, other than a ship or two to convoy transports (Thiel 416 ff.). In 181 *duumviri navales* were once more elected to hold in check Ligurian and Illyrian piracies and ordered to fit out 20 ships; they remained in service in 180, and are again attested in 178 and 176 (Thiel 423 ff.). Ti. Gracchus was also authorized to fit out 10 ships for his command in Sardinia in 177 (Thiel 431). Naturally such small squadrons may have been commissioned in later years. Thiel says that they were manned by freedmen. Livy writes: 'duumviros consules creare iussi, per quos naves viginti deductae navalibus sociis civibus Romanis, qui servitutem servissent, complerentur, ingenui tantum ut iis praeessent';[1] I read these words as meaning that the freedmen were to be both allied and Roman. Probably this was the usual practice with larger fleets too. Some 8,000 men were needed, all of whom may have been recruited in Italy.

In 149 the consuls had a fleet of 50 ships for the subjugation of Carthage, with a complement of perhaps 20,000 men, who seem to be included in Appian's estimate of the number of men under their command (De Sanctis iv. 3. 34 n. 55). Sicilians could again have been employed, and Italians (freedmen) may have numbered only 16,000. Obviously this fleet was required until the city fell in 146. For control of the sea in the war with Andriscus the Romans relied on allies in the east, but Mummius apparently had his own ships; we do not know how many.[2] Thereafter Rome seems to have depended on her non-Italian subjects for ships.

[1] xl. 18. 7. [2] Pol. xxxviii. 16. 3.

25. THE SIZE OF THE PRE-MARIAN LEGION

ACCORDING to Polybius the legion normally comprised 4,000, or more exactly 4,200 foot and either 200 or 300 horse; in case of special need its strength was raised to about 5,000 (probably 5,200) foot and 300 horse.[1] He uses the present tense, and these statements should be true of his own day. They also applied to the Punic wars. Thus in 225 the 4 consular legions each comprised 5,200 foot and 300 horse, and the legions in reserve at Rome about 5,000 foot and 375 horse, while the garrison legions in Sicily and Tarentum numbered only 4,200 foot and 200 horse.[2] Polybius gives the 4 legions at the Trebbia 16,000 foot, while his total for the cavalry, 4,000 (a round figure), probably includes 1,200 Romans and 2,400 Italians (since in his view the allies normally contributed two or three times as many).[3] By contrast at Cannae the legions were in his view exceptionally strong, 5,000 men apiece.[4] The only other figure he gives for army strengths in the Hannibalic war is for Scipio's army in Spain in 209; Scipio had with him at the attack on Cartagena 25,000 foot and 2,500 horse, and he had left Silanus north of the Ebro with 3,000 foot and 500 horse; the total was thus 28,000+3,000.[5] We know from Livy that Scipio had four legions;[6] on the assumption that the allies contributed as many men as the citizens, the average size of the legion was only 3,750; this probably corresponds to a nominal strength of 4,400 (cavalry included); it may be that the citizens outnumbered the allies, so many of the latter had revolted;[7] after subjugation, their reliability would still have been suspect.

For the Hannibalic war Livy offers comparable data from annalistic sources. In 218, he states apparently on good authority, the Romans raised from their own citizens 24,000 foot and 1,800 horse; the legions of the consul, Ti. Sempronius, comprised 4,000+300 apiece, and it is evident that he believed the legions of his colleague, P. Scipio, and those stationed in Gaul to be equally strong.[8] It seems probable that Fabius Pictor estimated the strength of C. Flaminius' consular army, destroyed in 217 at Lake Trasimenus, at 25,000, and allowing that as in 218 the allied contingents were larger than the Roman, this corresponds to a force of 2 legions of the same strength as in the previous year.[9] Scipio's army, which had proceeded to Spain, is now said to have been reinforced by 8,000 men;[10] how many of these were citizens we do not know, but it seems likely that the intention was to do more than make up for losses, rather to bring the legions up to the strength of about 5,000. Livy knew of more than one account of the Roman strength at Cannae.[11] On one view, that also adopted by Polybius, there were 8 legions, each afforced by 1,000 foot and 100 horse, so that each was 5,000

[1] i. 16. 2; iii. 107. 10; vi. 20. 8 f.
[2] ii. 24.
[3] iii. 72. 11–13, cf. Walbank on 72. 2.
[4] iii. 107. 9.
[5] x. 9. 6 with 6. 7, cf. Livy xxvi. 42. 1.
[6] xxvii. 36. 12.
[7] p. 679.
[8] xxi. 17.
[9] xxii. 7. 2 ff. (Pol. iii. 84. 7 depends on an unreliable Punic source exaggerating Flaminius' strength.)
[10] xxiii. 32. 1.
[11] xxii. 36. 1–5.

foot and 300 horse in strength; on another (which I believe correct) the armies already in the field were strengthened by the addition of 10,000 men (p. 419 n. 2). This figure no doubt represents the number of both Romans and allies newly enlisted; if only half were Romans and if the 4 legions were already below nominal strength, it need not have had the effect of raising their rolls beyond 5,000 each. After Cannae the army of the dictator, M. Junius Pera, consisted of 4 legions and numbered only about 25,000; 2 of the legions were composed mainly of former slaves and probably numbered 8,000; and we may suppose that all 4 legions comprised no more than some 17,000 men (including cavalry), and the allied contingents 8,000; it would not be surprising if at this juncture, with many allies in revolt, the fidelity of others uncertain, and the necessity of enlisting men rapidly in the vicinity of Rome itself, the ratio of allies to Romans was much lower than was normal.[1] In 216, however, we are told that a legion of 5,000 foot and 400 (!) horse was conscribed for service in Sardinia.[2] In 212 an army of 2 legions with allies is estimated at 18,000; this estimate comes from a fictitious narrative but may be right in presupposing a legionary strength of 4,000+.[3] In 210 the proconsul, Q. Fulvius, was directed to discharge some veterans from 2 legions and form the rest into a single legion of 5,000 foot and 300 horse.[4] This could be correct; a single legion was perhaps thought sufficient to garrison Capua, only if it was above the usual strength. In 207 the consul, C. Claudius Nero, is said to have been directed to form an army of 40,000 foot and 2,500 cavalry to confront Hannibal; this is much too large for a force of 2 legions with allied contingents, which was all that Nero had under his own command.[5] The number of the foot is appropriate to 4 legions of 5,000 with an equal complement of allies; could one of the other two armies stationed in the south have been taken to be under Nero's orders? One would not, however, expect these legions to be so large even on paper. Or does the figure derive from an attempt to give a realistic estimate of the actual strength of all three armies in the south, comprising 6 legions? All would be below the nominal strength of 4,000, and the cavalry on this hypothesis were equally weak. It is not, unfortunately, the usual practice of ancient historians to make such realistic estimates, except on occasions when they were eye-witnesses. Finally, the force assigned to P. Sempronius in 205 for operations in the east, 10,000 foot and 1,000 horse, apparently means that he had a legion of 5,000, and an equal number of allies.[6] This figure probably comes from Polybius; so too for Scipio's army in Spain Livy draws on the same source as Polybius, if not on Polybius himself (cf. p. 671 n. 5).

Livy's evidence so far, for what it is worth, seems thus to agree with Polybius'. The nominal size of the legion fluctuated from 4,000+ to 5,000+. There remain some data on Scipio's expeditionary force in Africa, from which no firm conclusion can be drawn.

Scipio must have taken 2 legions with him to Africa (p. 656); their nominal strength could not have been less than 8,400, and it would be natural to expect that he had at least as many allies, but perhaps not many more (Appendix 27); his army should then have been nominally not under 16,800. Furthermore, it

[1] xxiii. 14. 2–4, cf. pp. 679 f.
[2] xxiii. 34. 12; 40. 2.
[3] xxv. 21. 10, cf. p. 679 n. 5.
[4] xxvi. 28. 7.
[5] xxvii. 40. 14, cf. De Sanctis iii. 2. 569.
[6] xxix 12. 2

would have been extremely strange if he embarked on his venture with legions initially below strength; hence the nominal figure should have been much the same as the actual. Livy reports that the size of his expeditionary force was variously estimated at 10,000 foot and 2,200 horse, 16,000+1,600 (this is the figure Appian adopted), and 35,000 in all; Coelius refused to name a figure but thought the army immense.[1] On Livy's own view he took with him the *legiones Cannenses* reinforced by some of the troops he had brought with him to Sicily; I believe this account to be correct (p. 656). It is another matter to adopt Livy's claim that he had brought the legions up to the strength of 6,200 foot and 300 horse apiece; if we assume that there was an equal number of allies, that would mean that his army was about 26,000 strong.[2] There is no other instance earlier than the war with Perseus of legions comprising 6,500 men. Of the rival estimates Livy cites, the first appears to be much too low, and one may suspect that it was given by a writer who sought to enhance Scipio's glory by minimizing the forces under his command. The second agrees roughly with the supposition that Scipio had 2 legions of normal strength with an equal complement of allies. The third probably presupposes that Scipio had initially as many men as Livy himself seems to have thought, but confuses the numbers in the expeditionary force with an estimate of the strength of his army by the time of the battle of Zama. Scipio had then been reinforced (so Polybius says) by 6,000 Numidian foot and 4,000 horse under Masinissa[3] and by 600 cavalry furnished (according to Appian) by another Numidian chief. A total of 35,000 corresponds well enough to the estimate Livy implies for the expeditionary force, if some 11,000 Numidians are brought into account; some allowance had perhaps been made for wastage, though this is not a common practice. Appian indeed says that Scipio had at Zama 'some 23,000 foot, 1,500 Roman and Italian horse' and a large number of Numidian cavalry; he does not mention the Numidian foot,[4] and as he does not specify that the 23,000 foot were all Italian, I incline to suppose that he included Masinissa's 6,000 Numidians in his total, leaving only 17,000 Italians; if the nominal strength of the expeditionary force had been 2 legions, which could be loosely described as comprising 4,000 foot soldiers each, or more exactly 4,200, with an equal number of allies, one can understand that Appian might have given a round figure of 16,000 in one place (8,000×2) and 17,000 (8,400×2) in another; his figure for cavalry at Zama seems to be just rounded down from 1,600 (the number he assigns to the expeditionary force) to 1,500. Polybius says that Hannibal's veterans were roughly equal in number to the heavy-armed legionaries; on a somewhat hazardous calculation the former numbered 12,000, and the heavy armed troops in 2 legions of normal size (given that there were about 1,000 *velites* per legion) should have been only 6,000. But it may be presumed that Polybius included the heavy-armed foot in the Italian cohorts, and we should then come to a total of 12,000 heavy-armed Italian troops.[5] On balance it seems to me best to hold that the second of Livy's estimates, that

[1] xxix. 25. 1–4, cf. App. *Lib.* 13. [2] xxix. 24. 14.
[3] Pol. xv. 5. 12, cf. Livy xxx. 29. 4.
[4] App. *Lib.* 14.
[5] So De Sanctis iii. 2. 595 ff.; his assumption of reinforcements is unnecessary; we are given only a paper figure.

adopted by Appian, and not that which he himself preferred, is likely to be correct, and that Scipio's legions in Africa were of the same strength as those he had commanded in Spain, viz. nominally 4,200 foot and 200–300 horse.

Appian's authority here is obviously different from (and in my view preferable to) that which he followed, when he assumed that as early as 217 the normal size of a legion was 5,000 foot and 300 horse, and that the allied contingents were twice as large. This false assumption leads him to give Flaminius (who had only 2 legions) 30,000 foot and 3,000 horse (where the figure to be expected should have been 1,800).[1] His estimate of a Roman garrison at Tarentum, 5,000 men, may also presuppose that it consisted of a legion without allied contingents.[2] But this testimony cannot stand against the better evidence already cited from Polybius and Livy. Appian says that the legion was 'already' 5,000 strong; it is patent that he drew on a writer who lived when the nominal strength of that legion was 5,000 (in the second century) or when its actual strength was still often no greater (after Marius), and who dated the increase in legionary strength too early. Appian's view that the allies contributed twice as many men as the Romans also holds good perhaps only for a brief period just after 200 and in the latter part of the second century (see Appendix 27). In general his estimates are worthless for the Hannibalic war, but what he tells us of Scipio's army is respectable, precisely because it does not square with his erroneous assumptions and must come from a different and better source.

It appears then that before 200 it was only in exceptional circumstances that a legion was 5,000+ strong. But the evidence of Livy does not agree with Polybius' statement that the normal strength remained only 4,000 down to Polybius' own time. As Afzelius noted, whenever Livy reports the strength of a legion after 184, it is normally 5,200+300; this is the case whether legions are destined for Spain, Sardinia, or Cisalpina; there is no suggestion that they were afforced for an emergency, as in 216 (by some accounts).[3] The size of the legion was indeed raised for the war with Perseus, but to 6,000.[4]

This evidence has no value on a sceptical assessment of the reliability of the annalists on whom Livy drew. But Livy's reports on the number and disposition of legions are in the main trustworthy (Appendix 22). What he says of the size of legions plainly comes from the same source. If in general the coherence of the statements made on that authority justifies us in accepting them, we must also give credence to Livy's testimony that the normal size of the legion had been increased from 4,000 to 5,000 and that, when afforced, it was 6,000 strong. In that case we cannot accept the statement by the excerptor of Festus: 'Sex milium et ducentorum hominum legionem primus Gaius Marius conscripsit, cum antea quattuor milium fuisset, unde etiam quadrata appellabatur.'[5] This is not really disturbing. First, the excerptor passes over and in effect denies the fact, guaranteed

[1] App. *Hann.* 8.

[2] Ibid. 33.

[3] Afzelius II, 48 ff., cf. Livy xxxix. 38. 11; xl. 36. 10; xli. 9. 2 f.; xlii. 31. 2; xliii. 12. 5 and 10. According to A. Klotz, *Livius u. seine Vorgänger*, 1940, Livy is here drawing on Claudius Quadrigarius; in the parts for which in Klotz's view Valerius Antias was the source the strength of the legion between 200 and 188 is not stated. But it is probably implied in the proposal to raise the strength in 193 (xxxv. 2. 4 f.).

[4] xlii. 31. 2; xliii. 12. 4; xliv. 21. 8.

[5] Festus 453 L.

by Polybius, that before Marius the legion was sometimes 5,000 strong. It may be said that it was easier to pass over the occasional strengthening of the legion in an emergency than to ignore a stage extending for about a century when the legion was 5,000 strong. But an antiquarian might well have contented himself with noting the difference between the size of the legion as it had been in an early time and its size in his own day, without being conscious of the historical development in a transitional period. Second, statements of the kind 'primus Gaius Marius' are suspect. The antiquarian source probably knew that the nominal strength of the legion was 6,000 from *c.* 100 and that Marius had raised legions of that strength; he assumed that this was a novelty without precedent. Equally it could be said that Marius was the first to recruit *proletarii*, but we know this to be false (p. 402). A new system is likely to be heralded by isolated experiments.

Kromayer tried to refute the statement that the legions which fought at Pydna were 6,000 strong.[1] He argued, first, that if this had been so, Polybius must have known of it and would not have given the strength of the afforced legion as only 5,000. But why must we suppose that Polybius ever asked just how many men there were in Paulus' legions? No doubt he had heard that they were extra-strong, but if he had already formed the opinion that such legions numbered 5,000+, he would not necessarily have inquired further. We do not in fact have his own direct statement on the Roman numbers at Pydna, but we do know that Scipio Nasica, who was present, said he was mistaken on one numerical point.[2] The evidence of Nasica affords Kromayer a second argument. Nasica told that he had command of 3,000 Italians ἐκτὸς τάξεως and of the left wing, numbering about 5,000. Kromayer took the latter force to be the allied complement to a legion and inferred that the legion could not have been more than 5,000 strong. But this is to neglect the remaining 3,000. They seem to be the *extraordinarii* constituting one-fifth of the allied foot.[3] If so, the allied foot numbered about 15,000. This is close enough to Livy's probable figure of 16,000 originally accompanying the legions sent to Greece.[4] Nasica had roughly half the allied force; the remaining half was presumably on the right. Nothing can be inferred about the size of the legions, except that if Livy is right on allied numbers, this may suggest that he is right on the legions too. Finally, Kromayer shows that if Paulus' army had been as strong as Livy makes out, Perseus would not have had a numerical advantage, as we are told he had. But, since our account is Roman in tone and source, it would hardly be surprising if the Romans were falsely represented as being outnumbered. Hence, Livy's testimony cannot be disproved.

[1] *Antike Schlachtfelder* ii. 340 ff. He also relied on Festus.

[2] Plut. *Aem. Paul.* 15. [3] Pol. vi. 26. 8, cf. 30. 2.

[4] Livy xlii. 31. 3; the manuscript reading for the number of foot is uncertain. It is clearly stated that the number of allies, like that of legionaries, was increased, and implied (31. 4) that it was over 12,000+600; by proportion, if the horse sent to Macedon numbered 800, the foot should be 16,000. The large *supplementa* ordered to be sent in 169 (6,000+250 Romans, 6,000+300 allies) were intended to replace veterans discharged, as well as to make good losses (xliii. 12. 4). In 168 the consul was again ordered to recruit 7,000+200 Romans and 7,000+400 allies for the army in Macedon, partly to fill gaps in the legions, partly to provide garrisons (xliv. 21. 5 ff.). Granting that these statements were accurate, we cannot be sure that these decisions were carried out in entirety.

It remains plausible to argue that as a contemporary Polybius should be believed rather than what might be annalistic invention. Unfortunately for this argument Polybius' account of the army contains other errors. His ratio of parity between Roman and allied foot is a generalization which does not agree with specific instances he gives himself. His account of the *dilectus* seems to be out of date (Appendix 19). It seems possible that he may have taken his statement on the strength of the legion from Fabius Pictor and supposed it to have remained true down to his own time, as he had not heard of any change. Of course, Polybius had been with Roman armies, and one might suggest that he would have been able to correct the error from his own experience. However, in practice, legions were probably seldom up to their nominal strength.[1] Polybius does not allow for this in his history—he assumes the army at the Trebbia to have incurred no previous losses, when stating its numbers—and perhaps he did not allow for it in personal observation. A legion actually comprising 4,000+ soldiers might then be taken to be of its nominal strength, when in fact it had been reduced from 5,000+, and similarly a legion of 5,000+ could be seen as the afforced legion at full strength, when again its full strength in name was 6,000.

[1] From war casualties, sickness, and detachment of troops for garrisons. It is also possible that the nominal strength was not reached even when they were first raised, at least when the commander felt it expedient to proceed with haste.

26. THE RATIO OF ALLIES TO ROMANS IN ARMIES, 225–90 B.C.

POLYBIUS says that in his day the allies supplied as many foot as the citizens, but three times as many cavalry.[1] By contrast, Appian says that in the Hannibalic war the allies had to furnish twice as many men as the citizens,[2] and Velleius that in every war and every year they were called on to provide twice as many foot and horse, and that they therefore felt entitled in 91 to equality of political rights.[3] The simplest explanation of these divergences is that the ratio of allies to citizens changed between the time at which Polybius wrote and 91, and that Appian (or his source) anachronistically applied the later ratio to the Hannibalic war. However, these generalizations are all suspect, when tested by more detailed evidence.

The allied contingents were organized in cohorts and *alae*; probably there were 15 cohorts to a legion.[4] When our authorities state the size of allied forces, however, they do not give the number of units but the number of men. Such figures may reasonably be taken to refer to nominal strength, and to arrive at the ratio between the number of legionaries and the number of *socii*, we may compare them with the assumed or attested paper strengths of the legions with which the allies were brigaded.

Polybius' ratio of 1:1 for infantry is illustrated by his estimate of the size of the Roman army at Cannae. He believed that there were 8 legions and that the infantry totalled 80,000; as each legion was in his view about 5,000 strong, it is plain that he thought that there were as many citizens as allies serving.[5] We might expect the number of the cavalry to be given as 7,200 ($8\times300+8\times600$); in fact it is said to be only 6,000. If Polybius' estimate is correct, it must be assumed that the Romans did not raise the strength of their cavalry proportionately to that of their infantry. But Polybius may simply have forgotten that in legions of 5,000 foot, there should have been 300 and not 200 Roman *equites*; reckoning with $8\times$ 200 Roman *equites* (1,600) and 8×600 allies, he would have obtained a figure of 6,400, which he could then have rounded down to 6,000. In my view Polybius' view that the Romans were operating with 8 legions is wrong,[6] and his estimate of total numbers has no independent value, but is simply calculated on the assumptions that this was the case and that the allies must have furnished as many foot and three times as many horse. Livy has probably preserved another estimate made by Polybius of the size of a Roman army, 20,000 foot and 2,000 horse

[1] iii. 107. 12; vi. 26. 7; in vi. 30. 2 he says that allied cavalry were twice as numerous as the Roman 'after a third of them have been deducted for the *extraordinarii*'; i.e. they were three times as numerous. De Sanctis (iii. 2. 118) wished to amend *τριπλάσιον* to *διπλάσιον* in iii. 107, comparing Livy xxii. 36. 3; but the other passages cited show that the text is not wrong: it is Polybius! Salmon 329 f. suggests that he deliberately minimized allied contributions.

[2] *Hann.* 8.

[3] ii. 15. 2.

[4] Livy xxx. 41. 5.

[5] iii. 107 with Walbank, ad loc.

[6] Cf. p. 419.

under M'. Glabrio in Greece (191).[1] Here too this may be only a way of stating that Glabrio had 2 legions (5,200 foot + 600 horse apiece) and 10,400 + 1,800 allies, i.e. 20,800 foot and 2,400 horse in all, rounded down at 20,000 + 2,000.[2] From annalistic material in Livy it seems unlikely that at this time the allies would have furnished no more infantry than the Romans (*infra*).

Other evidence in Polybius is inconsistent with his own generalizations. By his own account, in 225 there were 30,000 allied foot to about 20,000 citizens in both the consular armies and the army in reserve at Rome; here the ratio is not 1:1 but 3:2. On the other hand, he mentions no allied contingents with the legions garrisoning Sicily and Tarentum, and unless that be an oversight, the ratio for all the infantry mobilized is about 6:5.[3] For cavalry it is not 2 or 3 allies to 1 Roman but only about 4 to 3. Again, on his own estimate of Roman forces at the Trebbia there were 5 allied footsoldiers to 4 Romans,[4] and if his figures for casualties at Lake Trasimenus were sound (which they are not),[5] they would certainly imply that Appian was right in thinking that the Romans had called out 2 allies for every citizen.

Livy's account of the forces raised in 218 seems to be trustworthy and may be tabulated thus:[6]

	Infantry		Cavalry	
	Romans	Allies	Romans	Allies
Ti. Sempronius' army	8,000	16,000	600	1,800
P. Scipio's army	8,000	14,000	600	1,600
Gallic army	8,000	10,000	600	1,000
Total	24,000	40,000	1,800	4,400

It appears from this that the ratio of allies to Romans in the infantry could be as much as 2:1 and in the cavalry 3:1 but that the proportions varied from one army to another, and that the overall ratio is not so high. For this year at least an explanation of the variations may be offered. It was probably always harder to ensure the prompt arrival of allied contingents at the mustering place, since many allied cities were far distant from Rome and allied magistrates may well have been less efficient and zealous than the Roman in enlisting men to serve in wars that were not of their own choosing. The story, be it true or false, that contingents from Praeneste and Perusia were available to defend Casilinum in 216 because they had been mobilized too late to be present at Cannae (even though that battle was fought no earlier than in August) is plausible enough.[7] Now the legions originally assigned to Scipio in 218 seem to have been diverted to the urgent task of suppressing rebels in Gaul (p. 647); we may suppose that the two legions which

[1] xxxvi. 14. 1, cf. p. 658 for discussion.

[2] App. *Syr.* 15 gives the Romans 20,000 and allies 40,000; wrong, but consistent, cf. p. 677 n. 2. [3] ii. 24.

[4] iii. 72. 11, cf. Walbank's note. [5] iii. 84. 7, cf. Walbank's note.

[6] Livy xxi. 17, cf. Walbank on Pol. iii. 40. 14 and see pp. 646 f. 4,000 (or 5,000 or 6,000) are round figures for 4,200 (or 5,200 or 6,200).

[7] Livy xxiii. 17. 9 and 11. Cf. Sall. *BJ* 95. 1.

were actually sent to Gaul and whose assignation to that province is proleptically placed by Livy at the beginning of the year were dispatched before the requisite number of allies had arrived; Scipio then had to raise more troops, and probably set out for Spain without waiting for the full complement of allies; but for these complications, his army would have been similarly composed to that under Sempronius. If this be true, the Roman plan in 218 was to employ 2 allies in the infantry of their field armies to every Roman, a higher ratio than in 225. If Fabius Pictor's estimate of the size of Flaminius' army of 2 legions in 217 (25,000) is correct,[1] this too should have had about the same proportion of allies as that under Sempronius.

There is curiously little information in Livy about the strength of legions and allied contingents for the rest of the Hannibalic war, and what there is need not always be believed. In 215 we are told that a second legion of 5,000 foot and 400 horse was sent to Sardinia, raising the total forces there to 22,000 foot and 1,200 horse. If the legion originally stationed in the island in 217 had comprised, like those of 218, about 4,000 foot, and if casualties are ignored (as the annalist probably ignored them), the non-legionary foot was reckoned as 14,000 against 9,000 legionaries, but the total cited includes rowers of the fleet, armed for land service, some of whom should have been Roman; if only 5,000 were originally rowers, citizens and allied regular soldiers were equal in number.[2] In 215, again, we are told that the 2 legions composed of 8,000 *volones* (ex-slaves) were accompanied by 25,000 allies; but this is not likely to be true, since elsewhere this army is represented as consisting largely of ex-slaves, who numbered only 8,000, and it seems fairly certain (*infra*) that at this juncture the ratio of allies to Romans must have diminished.[3] For the second reason one might also doubt that 20,000 allies were brigaded with 2 urban legions raised in 213, even on the unlikely assumption that each of these two legions was 5,000 strong.[4] The author here followed by Livy may, like Appian, have given these figures on the assumption that the normal ratio was 2:1 and that it held good in this case. The army including 2 legions said to have been destroyed at the first battle of Herdonia (211) numbered 18,000; this battle should be treated as fictitious,[5] but the implied parity of numbers between Romans and allies is plausible and might be applied to the historic battle of Herdonia in 210. In 211 we are told that a single legion of 5,000 foot and 300 horse was constituted out of 2 legions, to garrison Capua, and that 7,000 foot and 300 horse were allotted to it from allied contingents: the allied proportion seems too high.[6] In the same year the reinforcements taken to Spain by C. Claudius Nero consisted of an equal number (6,000) of allied and Roman foot, but 800 allied cavalry to 300 Roman; I see no reason to disbelieve this.[7] Unfortunately the ratio of allies to Romans in the force subsequently taken out by P. Scipio is not recorded. His army included 4 legions and numbered 28,000 foot and 2,800 horse; the last figures given by Polybius are the

[1] xxii. 7. 1–4.
[2] xxii. 57. 11; xxiii. 14. 2 ff., 32. 1, 35. 6; xxiv. 14–16; xxv. 20. 4 (embellished by annalists).
[3] xxiii. 34. 13, 40. 2.
[4] xxiv. 44. 6.
[5] xxv. 21. 10, see De Sanctis iii. 2. 459 n. 28.
[6] xxvi. 28. 7
[7] xxvi. 17. 1. App. *Iber.* 17 gives round figures (10,000 + 1,000).

most reliable we have for any Roman army in this war after Cannae,[1] and indicate that an army of 4 legions was now very little stronger than one of 2 legions in 218; unless the strength of the legion had fallen below 4,000, it must be inferred that citizens actually outnumbered allies, and that suggests that the authority for the strength of the Capuan garrison had no evidence for his estimate, but inserted figures which could be justified, if at all, only by the prevalent ratio of another time. In 205 P. Sempronius' force in the east was estimated, probably by Polybius, at 10,000 foot and 1,000 horse;[2] if his legion was 5,000 strong, the ratio was 1:1, and not much more, if it numbered only 4,000. On one reconstruction of Scipio's expeditionary force to Africa, we should find the same ratio of 1:1.[3]

A decline in the proportion of allies serving in Roman armies after Cannae is what we should expect. Polybius' figures for 225 (as amended) show that then allied *iuniores* available for the infantry numbered 330,000; of these 150,000 came from Apulia, Samnium, and Lucania, large parts of which were now in revolt.[4] Year by year some of the rebels were brought back to their allegiance, but their reliability for fighting Hannibal must have remained in doubt.[5] It might be supposed that to make good the deficiencies thus caused Rome could have imposed heavier burdens on the loyal allies. But it is difficult to believe that contingents could be extracted from cities like Cremona, Placentia, Beneventum, Venusia, or Nola, which were hard put to it to defend themselves; and there was the danger that increased demands would provoke rebellion.[6] No doubt Rome did raise her demands on other allies; the complaints of the 12 Latin colonies, which defaulted in 209, probably not without cause,[7] and the fears entertained of defection in Etruria[8] illustrate the dangers of this policy; its practicability must have been limited. Polybius' ratio of 1:1 for the infantry may well be applicable for these years. On the other hand the evidence for 225 and 218 casts grave doubt on his view that this ratio already obtained for the Cannae campaign.[9]

Of the rebel peoples we are told that the Bruttians, Lucanians, and Picentes were subsequently debarred from military service.[10] This may be true of the Bruttians; we do not know that they had ever been required to provide contingents, as they do not appear in Polybius' list for 225 and are not recorded elsewhere among allies bound to furnish troops *ex formula togatorum*. But probably not all the Lucanians were treated in this way.[11] In general, it would seem natural to

[1] Livy xxvi. 42. 1, cf. Pol. x. 6. 7, 9. 6; De Sanctis iii. 2. 455 n. 21. Polybius' figure cannot rest on mere computation.

[2] xxix. 12. 2. For parity cf. also xxv. 19. 13 (a dubious story accepted by De Sanctis iii. 2. 293 n. 150). The survivors of the second (genuine) battle of Herdonia are said to have been mainly allies, however (xxvii. 9. 1, cf. 8. 13).

[3] See pp. 672 ff. [4] p. 54.

[5] From 207 Hannibal was almost confined to Bruttium. Two Samnite *turmae* are mentioned this year (xxvii. 43. 5), perhaps Pentrians who had remained loyal.

[6] One can therefore not believe that *all* the loyal 18 Latin colonies in 209 offered to furnish more men (xxvii. 10).

[7] xxvii. 9; all the 12 were indeed out of the firing line. See p. 84.

[8] An army was stationed there from 212, partly for protection against the Gauls, but see xxvii. 21. 6 f., 24; xxviii. 10. 4 f.; xxix. 36. 10–12; xxx. 26. 12.

[9] It is curious that we hear nothing of the problem that must have arisen with soldiers from allied peoples which revolted, who were actually serving in 216 in Spain, Sicily, Sardinia, and Gaul. [10] pp. 278 ff. [11] See p. 280.

suppose that allies who had escaped the burden of military service (at least on the Roman side) in the Hannibalic war would now have been required to relieve the Romans of a larger part of this load than in the past; we know that from 204 the 12 defaulting Latin colonies were forced to supply more soldiers than before,[1] and ex-rebels would not have been less harshly treated, once they could be employed in wars or in garrisons, where there was no risk of their desertion. It is then no surprise that in 200 the garrisons of Gaul, Bruttium, Sicily, and Sardinia and perhaps also in Spain (p. 661) were to be entirely composed of allies, numbering 20,000 foot and presumably an unspecified contingent of cavalry.[2] Probably 80,000 allied foot were called up in 200 against 8 legions, presumed by Afzelius to contain 40,000 men (*infra*). Thus we have a ratio of 2:1.

The annalistic evidence in Livy gives a varying ratio of allies to legionaries between 200 and 168. The nominal strength of a legion at this time is disputed (Appendix 24), and I give two sets of ratios, for legions of over 5,000 and of over 4,000 men respectively. The number of foot is given as 7,500 per legion for armies in Spain in 195, in Cisalpina in 193, 190, 188, 182, 181, and 179, and in Bruttium in 192 and 191.[3] (In each case I give the year when the armies were first raised.) The proportion of allies to citizens is thus about 3:2, or alternatively 75 to 42, say 11:6. In three armies raised in 192–190 the allies are said to have provided 10,000 foot per legion at the ratio of 2:1, or 2·5:1.[4] But from about 180 the proportion declines. With legions sent to Spain in 180, to Cisalpina in 177 and 171, and to Sardinia in 177 the allies supplied only 6,000 at a proportion of 6:5 or 6:4,[5] and with legions sent to Spain in 177 and to Cisalpina in 176, 174, 173, and 169 only 5,000, the ratio being 1:1 or 5:4.[6] In 171 only 15,000 allies and in 169 16,000 were to be levied as a complement to 4 legions in reserve at Rome, and the ratio sinks to less than parity.[7] On the other hand we are told that 8,000 per legion were levied for armies sent to the east in 169 (if the text is correctly amended);[8] the number of allies is expressly said to have been raised, to match a strengthening of the 2 legions to 6,000 each; so the ratio is 4:3. In 171 the over-all complement of allied to legionary foot was 43,000 to 42,000 (adopting Livy's view of the strength of ordinary and afforced legions), or 43,000 to 34,000 (if we suppose that the 2 legions sent to the east were only 5,000, not 6,000, strong).

On any view of the size of legions the ratio of allied citizen foot was declining. But it would be inconsistent to accept annalistic data on the numbers of allies and to reject it on the size of legions. If we accept both sets of data and suppose that the normal strength of a legion was raised to 5,000 in the second decade of the century, then the ratio of allies to citizens was nearly 2 to 1 in the 190s but little above parity by *c.* 170. Polybius' statement that Romans and allies supplied about as many soldiers turns out to be true for the middle of the century.

[1] Livy xxix. 15, cf. 37. 7.

[2] xxxi. 8. 7–10. Cf. xxxii. 1. 5 (199), 8. 7 f. (198); xl. 19. 6 (181); Afzelius II, 75 lists other possible cases as certain.

[3] xxxiii. 43. 3; xxxiv. 56. 6; xxxv. 20. 5, 20. 11; xxxvii. 2. 4 and 6; xxxviii. 35. 9; xl. 1. 5, 18. 5, 36. 6 ('socium Latini nominis *quantus semper numerus*, quindecim milia peditum, octingenti equites', sc. for 2 legions), 44. 3.

[4] xxxv. 20. 4, 41. 7; xxxvii. 2. 9.

[5] xl. 36. 11; xli. 9. 2 f.; xlii. 31. 4.

[6] xli. 9. 4; xli. 14. 10, 21. 4; xlii. 1. 2; xliii. 12. 6.

[7] xlii. 35. 5; xliii. 12. 7.

[8] xlii. 31. 3.

The ratios of allies to citizens in newly formed armies may indeed not tell the full story. In some years, and we cannot be sure how many, allies alone furnished provincial garrisons (p. 681 n. 2). It is also conceivable that the allies bore a disproportionate burden in providing *supplementa*. The reinforcements said to have been sent to Spain comprised Romans and allies in proportions that varied from year to year; here too the ratio of allies declines, but neither before nor after 180 is it the same as that which obtains in newly raised armies. Taking only the years in which the numbers of both Romans and allies sent to Spain are attested and ignoring years in which there were probably or certainly *supplementa* about which we are not informed fully or at all, we find that from 195 to 181 inclusive 24,000 Romans and 60,000 allies were sent out, and from 179 to 172 15,000 and 25,000; the normal practice in fact seems to have been to send out 3,000 Romans and 5,000 allies every year.[1] Here then the ratio falls from 5:2 to 5:3. If we turn to recorded *supplementa* for legions in the east, the ratios are 5:3 in 198 and 190, 2:1 in 189, and 1:1 in 169 and 168.[2]

It is impossible with the information at our disposal to explain with certainty the variations which are attested. No doubt in deciding how many allies to call up either for new armies or reinforcements the senate took into account the total burden imposed on them, and the latest information available on their manpower, and compared the effort to be demanded of the citizens. At first sight it is surprising that the proportion of allies in Spanish *supplementa* differs from year to year (before 179) and is not the same as that in newly raised armies in comparable years. But the variations from year to year were doubtless due to the varying incidence of losses (which may have fallen most heavily on the allies), and the fact that allies formed so high a proportion in *supplementa* to Spain might be occasioned by (*a*) their higher losses; (*b*) a policy of discharging them more frequently than citizens; (*c*) the need for garrisons, which could conveniently be provided by single allied cohorts, or (*d*) a combination of these factors. It seems to me unlikely that annalists would have invented, without themselves pretending to explain, the curious variations they report both for *supplementa* and for the complements of new legions, or that the pattern of a decline in the demands on allies which appears despite these variations could be fictitious. (It may be noted that if Klotz is right in holding that Livy began to use as his main source Claudius in place of Valerius Antias in his account of 188,[3] this break does not correspond to the alleged change in the proportion of allies to Romans, which cannot therefore be explained as due to the substitution of one set of fictions for another.)

Afzelius has drawn up tables which show (*a*) the number of legions serving year by year from 200 to 168 and (*b*) the number of allies under the standards.[4] Since

[1] The evidence is fully given by Afzelius II, 67 ff. and tabulated, p. 72: I have extracted from the table those figures which are attested.

[2] xxxii. 8. 2: xxxvii. 2. 2, 50. 3 ff.; xliii. 12. 3; xliv. 21. 6. The ratio for a *supplementum* in Liguria in 192 is 5:4, xxxv. 20. 6.

[3] *Livius u. seine Vorgänger*, 1940, 41 ff.

[4] ii. 47, 78 f. I am doubtful if the ratios of allies to citizens serving in Spain assumed by Afzelius, viz. 3:2 down to 188 and 6:5 thereafter, are correct. The ratios of *supplementa* sent to Spain suggest to me that there were more allies there than this allows for, and that they were needed for garrisons. Even so, the over-all ratios would not be much affected.

Livy seldom gives a clear picture of the forces employed, these tables are to some extent conjectural. It will be sufficient to examine certain years. In 200 with 8 legions, Afzelius assumes each to have been 5,000 strong and to have had a complement of 7,500 allied foot, the standard number in the first decades of the century. In addition 20,000 allies are stated to have been in garrisons without legions. The total of allied foot was thus 80,000 and the ratio 2:1. In 190 there were 13 legions, or 65,000 citizens, in service, with a complement of 100,000 allied foot, a ratio of about 3:2. Afzelius would add 6,000 allies garrisoning Sicily and Sardinia, but in default of evidence it is prudent to discount this possibility. In 180 with 8 legions of 40,000 men the allies provided (if we again ignore Afzelius' conjecture that there were 8,000 in the two islands) 61,000; the ratio remains the same. In 168 to 12 legions (of which 2 were 6,000 strong) or 62,000 Romans there were (again ignoring the supposed garrisons) 76,000 allies; the ratio had fallen to about 5:4.

I have so far left cavalry out of account. Here again the annalistic evidence disagrees with Polybius; allies hardly ever provide three times as many as the citizens. The number of Roman *equites* is uniformly given as 300 per legion, the allied complement oscillates between 250 and 400, except for the afforced army in the east in 171, when it rises to 500.[1]

Polybius' opinion that the allies supplied three times as many cavalry as the Romans is hardly borne out by any instances in his own work; in fact the *only* instances are in Livy's account of the Hannibalic war—the armies of Ti. Sempronius in 218 and P. Sempronius in 205.[2] It may be, however, that this ratio was more common than we know in the third century, and that Polybius wrongly assumed that it continued to hold. (I argue elsewhere that he drew for much in his description of the army on an out-of-date source.[3]) Why should it have declined? We might conjecture that whereas about 225 the number of allies qualified by their property to serve on horse could easily have been treble that of Romans so qualified, the relation changed as a result of the Hannibalic war and the eastern wars. In the first place, when Rome took action against allies who were guilty or suspected of disloyalty in the Hannibalic war, it was the leaders, the richest class, who suffered most; the confiscation of their property may have diminished the number with equestrian census.[4] And secondly, it was the Romans who profited most from the later wars of conquest; hence there might have been an actual increase of *equites* among the citizens. It would not be unreasonable to think that the Roman government had to take account of this relative change in fixing how many *equites* to call up from allies and citizens.

As for infantry, Polybius' generalization that Romans and allies served in equal numbers is seldom borne out by specific instances except *c.* 170 B.C.; in some

[1] The evidence is tabulated by Afzelius 11, 62 f., 72.

[2] Of these the second might rest on a calculation by Polybius.

[3] Appendix 19.

[4] Nola, Livy xxiii. 17. 2 (the confiscated property becomes *ager publicus p. R.*); Hirpini, 37. 12; Arpi, xxiv. 45. 3; the treatment of Campanian notables (xxvi. 15, 16. 5) is analogous. A. J. Pfiffig, *Historia* xv, 1966, 193 ff. suggests that in Etruria it was the nobility as such who were disloyal, but the evidence which he cites in full only shows that *some* nobles were anti-Roman; naturally, in aristocratic states, the leaders of all parties belonged to the upper class (like *populares* at Rome).

cases we may suspect that the numbers given have been calculated to agree with it. But it seems much closer to the truth than his estimate concerning cavalry both for 225 and for the time of the war with Perseus, and probably in the course of the Hannibalic war it was correct, because so many allies were in revolt. It is in the early years of the second century that the allies were required to serve in greater proportions, and that may have been the consequence of a decision at Rome that disloyal allies had to give satisfaction for having escaped military service in the recent war. And only in the first decade of the century is there any confirmation of Appian's and Velleius' view that allies were called up in the proportion of 2:1.

Was this proportion reached after 168, in the period for which Livy's evidence fails us, and after the time when Polybius wrote? Unfortunately we now have little information of any kind.

In the third Punic war, according to Appian,[1] the consuls of 149 commanded 80,000 foot and about 4,000 cavalry. De Sanctis argues that the consuls would not have had more than 4 legions and that the number of cavalry implies that there were only 4; actually it is too large even for 4 legions (except on the plausible hypothesis that Numidian or perhaps Gallic horse were included, but yet too small as a complement to 80,000 regular infantry; De Sanctis is no doubt right that if that figure has any basis in fact, it includes ship-crews and marines. We do not know the ratio of allied to citizen *soldiers*.

The evidence on the Spanish wars is given elsewhere.[2] Appian twice estimates the strength of a consular army of 2 legions at 30,000. He may simply have assumed that each legion was 5,000 strong and that allies were twice as numerous as citizens. Or he may include native auxiliaries.

Appian also gives a legionary force in Illyricum (135 B.C.) as 10,000 foot.[3] This implies parity between Romans and allies; evidently only a single legion was employed. If his Spanish figures are realistic and include native troops, it may be that there was also parity between Romans and allies in Spain during the mid-second century.

According to Pausanias the consul, L. Mummius, who must have had 2 legions, commanded 23,000 foot and 3,500 cavalry in Greece.[4] Probably Polybius was his source. The figure for the cavalry is plainly not calculated, and must include foreign auxiliaries. It looks as if the figure for the foot is also realistic, since it cannot be reconciled with Polybius' general doctrine that a legion of about 4,000 men was accompanied by as many allies; indeed, even if we take the legions (as we should) to be 5,000 strong, the allies would slightly have outnumbered the citizens. I take it that they did so, and that Pausanias' figure is derived from actual enumeration and is not a paper estimate.

The only estimate of a Roman army in the Jugurthine war is that which Orosius gives,[5] doubtless from Livy, for 110—40,000 men. Orosius presumably worked with a normal complement of 5,200 foot per legion. If he read that the Romans sent 4 legions to Africa, i.e. 20,000 men in round figures, the allies could have been no more numerous than the citizens, or rather citizen troops equalled

[1] *Lib.* 75, cf. De Sanctis iv. 3. 34 n. 55.
[2] Appendix 23.
[3] *Ill.* 10.
[4] vii. 16. 1.
[5] v. 15. 6. No details in Sallust, *BJ*.

all other troops in the army. But this seems unlikely, since the Romans were employing not only regular allied contingents but Ligurians,[1] who did not serve *ex formula togatorum*. I believe that in 110 the Romans had only a normal consular army of 2 legions, i.e. 11,000 foot and horse, and that the regular allied contingents were twice as numerous; Ligurians and the like supply the balance. If the ratio of allies to Romans had become 2:1 in the late second century, we have an explanation of Velleius' statement and of Appian's often anachronistic estimates.

Valerius Antias said that at Arausio (105) 80,000 soldiers and 40,000 camp-followers were killed and only 10,000 escaped.[2] Probably Livy only cited this estimate to disavow responsibility for it.[3] The disaster was to outdo Cannae, where even Polybius had inflated the losses. Diodorus, presumably following Posidonius, was content with 60,000 killed.[4] This estimate can be explained. Two consular armies, those of Caepio and Mallius, were involved. If each consisted of 2 legions, about 11,000 Roman horse and foot, and of twice as many allies, about 22,000, the nominal strength of the army was 66,000. One may, of course, be sceptical whether actual strength equalled nominal and whether there were so few survivors as implied. But the estimate is intelligible on the basis of a 2:1 ratio of allies to citizens.

Sulla, who was an eye-witness and presumably dependable here, having no motive to falsify the figures for his own glory, gave Catulus 20,300 men and Marius 32,000 at Vercellae.[5] One could reasonably suppose that the nominal strength of the legion, after Marius' reforms, was 6,200. Neither commander can have had fewer than 2 legions (Marius had probably left 2 legions in Gaul, cf. p. 431), and on this basis the ratio of allies to citizens under Catulus was under 1:1 and under Marius about 19:13. But Sulla could well have given estimates of men actually present at the battle, and we must surely believe that he did; Catulus' army had sustained some previous losses, and he, perhaps Marius too, must have detached units, probably allied cohorts, to protect towns in N. Italy. If the citizens present in the battle did not exceed 20,000 and if allies rather than Romans had been used for garrisons, the ratio of 2:1 for allies to citizens may have been preserved. About the same time a praetor in the second slave-war is credited with 14,000 men, presumably a legion of 5,000 plus 9,000 allies.[6]

It thus appears that none of the generalizations cited at the beginning of this discussion are valid for all periods, and that the ratio of Romans to allies varied even within the same period between different armies and different years, for reasons that must belong to or even lie outside the region of speculation. Only certain tendencies can be discerned. The proportion of allies inevitably fell during the Hannibalic war, as a result of the revolts of so many allied cities; it rose again thereafter, when Rome had the opportunity to discharge a greater part of the military burden on Italians, especially those who had failed her in the crisis; a generation later, it had again declined, at times almost to parity; but by the end of the second century it looks as if Rome was calling up two allies for every citizen. Velleius' statement to this effect, indeed, represents the indignant rhetoric of the Italian

[1] Sall. *BJ* 38. 6, 77. 4, 93. 2, 100. 2, cf. p. 169.
[2] *ap. Per.* Liv. lxvii; Oros. v. 16. 3.
[3] See Appendix 28 on Antias.
[4] xxxvi. 1.
[5] Plut. *Mar.* 25. 4.
[6] Diod. xxxvi. 8. 1.

rebels in 91, and cannot be regarded as thoroughly reliable; yet the few figures we have for the strength of armies after 133 tend to confirm its truth. The explanation may easily be found in the discontent often evinced by citizens with the levy and the alarm at the decline in numbers of the *assidui*, which seems to have inspired Tiberius Gracchus' reform.[1]

[1] E. Gabba, *Athen.* xxix, 1951, 190 n. 2, cf. xxvii, 1949, 200, suggested that in the generation before 90 Rome was seeking to spare her own manpower and exploiting allied. This may be right, though the texts he cites show only that allied contingents remained an indispensable part of the Roman army. See App. *BC* i. 19. 79; *Num.* 3; Sall. *BJ* 38. 6, 39. 2, 43. 4, 77. 4, 84. 2, 93. 2, 95. 1, 100. 2, 105. 2; Plut. *Mar.* 19, 29. 3; Cic. *Balb.* 46–7. Sallust mentions Roman and allied levies in the same breath. Afzelius II, 75 n. 1 suggested that the Romans after 200 were readier to risk the lives of non-citizens, who thus incurred more casualties, cf. Livy xl. 32. 7, 40. 13; xxxvii. 46. 7 with 50. 11. This is possible, but annalistic inventions may be suspected.

27. THE SIZE OF THE POST-MARIAN LEGION

THE excerptor of Festus wrote: 'Sex milium et ducentorum hominum legionem primus Gaius Marius conscripsit, cum antea quattuor milium fuisset, unde etiam quadrata appellabatur.'[1] He is not reliable, and in fact we have evidence that legions of (nominally) 5,000 men had become normal in the second century and that legions of 6,000 had been raised at times before Marius (Appendix 25). J. Harmand has recently suggested that the truth is simply that Marius raised extra-large legions in the Cimbric crisis; the normal strength of the legion remained what it had been (in his opinion, 4,000). Other scholars suppose that Marius raised the normal, or nominal, strength of the legion to 6,200 and that of a cohort to 600.[2] This supposition is surely proved to be correct by the fact that Velleius, Appian, and Plutarch all estimate the strength of a legion in the late Republic at 6,000, or of an army composed of several legions at some multiple of 6,000. They might either have adopted this estimate from earlier writers or assumed that the nominal strength of a late Republican legion was the same as that of one in the imperial army. In the latter case we could still ask when the nominal strength was fixed at 6,000, and our sources supply no answer save that which the excerptor of Festus gives. Moreover a correspondent of Cicero once makes just the same assumption on legionary strength; the innovation was then not imperial. The practice of taking a legion to be 6,000 strong is exemplified in the following cases, where the number of legions is known from other evidence:

1. Sulla's army in 88;[3]
2. Sulla's army on his return to Italy in 83;[4]
3. a legion under Sertorius;[5]
4. Lucullus' army in the east;[6]
5. Cicero's army in Cilicia;[7]
6. the legion Pompey lent to Caesar;[8]
7. the army with which Pompey embarked for Macedon in 49;[9]
8. Antony's army in 44, before he was deserted by 2 legions.[10]

Similarly Appian estimates the size of a cohort in Mithridates' army, which had been reorganized on the Roman pattern, as 600.[11] Some of these estimates are certainly unrealistic and all may be.

In other cases, however, the size of a cohort was taken as 500 and that of a legion as 5,000 or 5,200. Thus Appian makes the cohorts of the consular army

[1] 453 L.
[2] Harmand 25 ff.
[3] App. *BC* i. 57 (6 legions); Plut. *Mar.* 35. 4 (not less than 35,000), cf. *Sulla* 9. 3 ('full', which may be true).
[4] Vell. ii. 24. 3.
[5] Plut. *Sert.* 7.
[6] App. *BM* 72; cf. Plut. *Luc.* 24.
[7] Plut. *Cic.* 36.
[8] Plut. *Cato Min.* 45. 3.
[9] *Att.* ix. 6. 3; Pompey had auxiliaries as well as 5 legions.
[10] App. *BC* iii. 58.
[11] App. *BM* 108, cf. 87.

of 83 to be 500 strong,[1] and Plutarch equates a force of 12 cohorts with 6,000 men, and supposes, like Appian, that 6 of Caesar's cohorts at Pharsalus numbered 3,000;[2] they also make out that the single legion with which he crossed the Rubicon comprised 5,000 men.[3] Appian supposed that Octavian had 10,000 soldiers when he recalled 2 veteran legions to the colours in 44,[4] and Plutarch that 2 of Antony's legions in the Parthian campaign of 36 numbered 10,000.[5] It seems probable that when Appian reckons the soldiers of 23 legions settled on the land by Sulla as 120,000, he was giving a round figure for 119,600, 5,200 per legion (p. 305). There are other instances where 5,000 or a multiple thereof seems to represent one or more legions reckoned as 5,000 strong. Some of these estimates are so unrealistic that they cannot be taken to show that the authors concerned were making a small allowance for wastage; it seems more likely that the strength of a full legion, i.e. of a legion when it was raised in normal times, varied from 5,000 to 6,000, or rather from 5,200 to 6,200, and that different sources took different views of standard strengths, or that 5,000 was given as a round figure.

There is a revealing passage in Sallust's *Catilina* about the method of forming legions employed by Catiline, who was an experienced officer, and doubtless followed the usual practice. 'Catilina . . . duas legiones instituit; cohortis pro numero complet. Deinde, ut quisque voluntarius aut ex sociis (!) in castra venerat, aequaliter distribuerat, ac brevi spatio legiones numero hominum expleverat, cum initio non amplius duobus milibus habuisset.'[6] Though initially he had only 2,000 men, he formed them into 2 legions and filled up the ranks as more recruits came in. The first step was evidently to organize the *cadre* of a legion; its ultimate size depended on the success of the levy and the time allowed for it. It is probable that this method had been adopted in the civil wars of 90–89 and 83–81; officers were appointed to raise legions in various localities, but the strength of their legions would vary with the progress of recruitment. In 55 Crassus was impeded in his *dilectus* (Dio xxxix. 39), and perhaps for that reason his legions, which Plutarch assumed were 5,000 strong (p. 462), were smaller than those which Marius had raised. In 49 Caesar raised so many new legions that none is likely to have been 6,000 strong; this is even more patently true of the legions raised in 44–43 on all sides. In 36 Lepidus' 16 legions, some of them newly formed, are described as 'semiplenae' (cf. p. 499); probably he embarked for Sicily before nearly completing his mobilization.[7] Thus it is unrealistic to adopt 6,200 as the size even of a newly formed legion; on average 5,000 may be nearer to the truth, but some were weaker still. Legions which had been long in service, unless reinforced by *supplementa*, naturally did not conform to either standard. Quite apart from casualties in fighting, wastage must always have been high from

[1] *BC* i. 82.

[2] *Crassus* 11. 2 with Front. *Strat.* ii. 4. 7; the 500 men Crassus decimated in 72 (Plut. ibid. 10. 2) probably also represent a cohort. Cf. *Caes.* 44. 2, *Pomp.* 71. 4, App. *BC* ii. 76.

[3] App. *BC* ii. 32; Plut. *Caes.* 32. 1; (but 6,000 in 31. 1); *Pomp.* 60. 1.

[4] App. *BC* iii. 40, cf. 42. But see Cic. *Att.* xvi. 8. 2. It is entirely probable that Octavian recruited 3,000 veterans to form a nucleus for 2 full legions, but Appian thought that the 10,000 were all veterans, from only 2 of the old Gallic legions!

[5] *Ant.* 38, with Vell. ii. 82. 3.

[6] *Cat.* 56. 1–2.

[7] Vell. ii. 80.

disease. I have calculated elsewhere that only 60 per cent of the soldiers who swore obedience to Augustus lived to receive their *praemia* (p. 339). But few ancient writers make allowances for wastage. Hence, when they say that a general had x thousand men, we generally find that x is a multiple of 5,000 or 6,000, and that they are merely giving us the number of legions converted into the number of men on the dubious assumption that the legions were at nominal strength; for instance, Orosius' statement that Pompey took 30,000 men to Spain in 77 means that he had 5 or 6 legions (p. 471).

The proof of this is the fact that some of the estimates cited above (where the number of legions is known from other evidence) are incorrect. Thus the 2 legions which Cicero commanded in Cilicia are described by him as weak and were amalgamated in 49 by Pompey into a single legion, though the average strength of a legion in his army was not much over 4,000; plainly then, they did not number 12,000 in 51.[1] Equally, given the average strength of Pompey's 11 legions in 48, the 5 which he took with him from Italy can hardly have numbered 30,000. Similarly, the size of Caesarian cohorts at Pharsalus as given by Plutarch is inconsistent with the other evidence and cannot be accepted (*infra*). Appian's statement that Octavian's veteran legions in 44 comprised 10,000 men could not be true, in view of the depletion of all the former Gallic legions (*infra*), and is refuted by Octavian's own statement to Cicero that he had no more than 3,000 in the 2 legions (p. 688 n. 4). Antony's legions in 36 averaged under 4,000, not 5,000 (p. 693). In all these instances the legions concerned had been long in service. Wastage must similarly have reduced Sulla's 5 legions below 30,000 men by 83, and Lucullus' army, which included the 2 Fimbrian legions raised in 86, cannot have been so strong as represented.

Sometimes indeed we are expressly told that legions were 'full' or the reverse; these statements may be taken seriously and indicate that they were about 5,000 (or 6,000) strong, or much weaker, as the case may be.[2]

Writers with military experience and personal knowledge of the facts may furnish precise figures of effective strength by which the nominal figures of the kind given above can be checked. Such data come above all from Caesar, but also from secondary authorities on the civil wars, who perhaps drew on Pollio.

Caesar says that 2 legions he took to Britain numbered barely 7,000 men.[3] In 48 he had 11 legions, of which 10 were veteran, for the Dyrrhachium–Pharsalus campaign.[4] At Pharsalus he had, besides 2 cohorts guarding the camp, 80 cohorts in line whose strength he estimates at 22,000. The average strength of a cohort was thus 275. It appears that 28 cohorts were absent; of these 23 can be accounted for; they included the one new legion (XXVII) engaged in the campaign.[5] Appian

[1] *Att.* v. 15. 1; Caes. *BC* iii. 4, cf. pp. 691 f.

[2] Plut. *Sulla* 9. 3 (from Sulla's memoirs?); Caes. *BC* ii. 18. 1; App. *BC* iv. 108 (Pollio?); Vell. ii. 80.

[3] *BG* v. 49. 7. But Festus (*Brev.* 6) went too far in saying that the Gallic legions were normally only 3,000 strong. Perhaps he generalized from the few specific statements Caesar makes on numbers.

[4] Rice Holmes iii. 472 ff., on Caes. *BC* iii. 89; Plut. *Caes.* 42. 2; App. *BC* ii. 70; Eutrop. vi. 20; Oros. vi. 15. 24. Dio xli. 49. 1, 55. 5 seems to be self-contradictory.

[5] Caesar *BC* iii. 56. 1 with 34. 2 and 78. 5. Rice Holmes comments (475) that 'at Pharsalus therefore he had 87 cohorts'; but this is incompatible with what he says; there

and Plutarch accept the figure of 22,000, though Appian knew of other estimates, less detailed and in his view less reliable. They may have followed Pollio; he was critical of Caesar's accuracy, and would not have slavishly accepted what Caesar said.[1] Eutropius and Orosius, who followed Livy, give 'nearly 30,000'. It seems to me likely that Livy would have used Pollio; in that case there must be a mistake in his excerptors, if Pollio also lies behind Appian and Plutarch. The excerptors may have used a total for Caesar's forces *on the campaign*, forgetting that 28 cohorts were absent from the battle, and 2 merely guarding the camp; conceivably they were aware of the absence only of XXVII. If Livy gave the round figure 30,000 for 11 legions, the strength of the legion in Caesar's army was in his view about the same as Caesar himself implies. If the figure related to the 10 veteran legions, and 5,000–6,000 men were allowed for XXVII, the strength rises to about 33,000, and the difference in strength, compared with Caesar's estimate for Pharsalus, can be accounted for by the casualties sustained at Dyrrhachium. Or Livy's figure may have been given for the size of Caesar's army after Dyrrhachium. It is patent that it is not a paper estimate of the kind previously considered, and in one way or another it can be reconciled with Caesar's data.

The depletion of Caesar's veteran legions in 48 can be explained partly by what Caesar himself tells us. They had suffered heavily, he says, in the Gallic wars, on the long march from Spain to Brundisium (in which 6 were involved), and from the unhealthy climate near that port.[2] A large number, temporarily disabled or sick, had to be left at Brundisium, though they were capable of serving again in 47 and formed 7 cohorts, nominally 3,500–4,200 strong.[3] The ninth legion was gravely weakened at Dyrrhachium and was in combination with the eighth only equivalent to a single legion.[4] Further marching and fighting after Pharsalus, and probably sickness, brought the sixth down to under 1,000 men.[5] It seems unlikely indeed that the average strength of the Gallic legions can have exceeded 4,000 at the outset of the civil war, and we should therefore reject Plutarch's statement that the legion with which Caesar crossed the Rubicon was 5,000 strong. Dio, it is true, says that Caesar's 6 veteran legions in Spain outnumbered 5 Pompeian legions.[6] But they too had been in service for years and need have been no stronger than 4,000 apiece. Varro in south Spain began to fill up the gaps in his 2 legions, which did not take part in the fighting, only when the war began.[7]

Caesar's army had also inevitably suffered heavy losses in Gaul, and it may seem hardly plausible that the Gallic legions should have been about 4,000 strong as late as 49 B.C. Here, as in other garrison or field armies, however, we must allow for *supplementa*. The proposal in 51, strangely vetoed by the consul Sulpicius, to authorize *supplementa* for the Cilician and Syrian legions[8] may be taken as representing fairly common practice, even though that practice is more often attested in the Livian record of the second century (p. 423). Caesar alludes incidentally to *supplementa* for his army in 52 B.C.[9] A soldier of the VIIth legion, one of those

is no difficulty in supposing that 5 more cohorts had been detached, especially as the text of *BC* iii is incomplete.

[1] See Appendix 28.
[2] *BC* iii. 2, 3, cf. p. 620.
[3] *B. Alex.* 44. 4; *B. Afr.* 10. 1.
[4] *BC* iii. 89. 1.
[5] *B. Alex.* 69.
[6] xli. 22. 2.
[7] Caes. *BC* ii. 18. 1.
[8] Cic. *Fam.* iii. 3. 1.
[9] *BG* vii. 7. 5, 57. 1, cf. Rice Holmes, *Caesar's Conquest of Gaul*[2], 561.

which Caesar took over in his province, killed in Gaul at the age of eighteen, can hardly have been recruited earlier than 59,[1] and therefore was enlisted by Caesar himself, either in 59/8 or later. *Supplementa* of 59/8 needed for 4 legions which had been in service for some years (p. 467) may explain in part how Cicero could claim that Caesar terrorized Rome into compliance with Clodius' proposals early in 58.[2] It must be assumed that almost throughout his tenure of the Gallic command Caesar not only raised new legions but reinforced his veteran units. I presume that he ceased to do so only after the revolt of 52. With the subjugation of Gaul more or less complete, and his *quinquennium* coming to an end, it would have been provocative on his part to fill gaps in legions which had accomplished their task; probably many of his own soldiers might have taken this as a sign that their own service would be unduly prolonged.[3] Even when the civil war had broken out, though Caesar probably enlisted some 75,000 new recruits (p. 509), he did not reinforce his veteran legions, who were looking for discharge as soon as possible and might have resented any indication that they were to be kept in being.

Caesar also gives important information on the size of Pompey's army in 48.[4] At Dyrrhachium it consisted of 9 legions, but by the time of Pharsalus he had been joined by Scipio with 2 more from Syria and by some cohorts brought from Spain by Afranius; Caesar assumes that his whole army was present at the battle, and credits him with 110 cohorts in line, numbering 45,000 men, together with 2,000 *evocati*. In addition 7 'remaining' cohorts were stationed 'in castris propinquisque castellis'. Evidently these 7 were equivalent in number to the Afranian cohorts placed in the line of battle, and Pompey had 117 cohorts in all. However, Plutarch records that Pompey left 15 cohorts at Dyrrhachium. Rice Holmes conjectures that they were local levies, but it seems improbable that Pompey concentrated all his legionaries at Pharsalus (any more than Caesar did), leaving his base without reliable protection, or that such local levies would have followed Cato to Africa.[5] Moreover Orosius, drawing on Livy and perhaps ultimately on Pollio, states that Pompey had only 88 cohorts in line; the figure is so precise that it may be trustworthy. Both he and Eutropius round Caesar's estimate of Pompeian numbers down to about 40,000. Orosius does not mention the 7 cohorts in reserve, but his source may have recorded them, and Caesar's evidence for them must naturally be accepted. It may be then that Pompey had only 95 cohorts at Pharsalus. It can be assumed that Caesar, deliberately or inadvertently, ignored the absence of part of Pompey's force, just as the author of the *Bellum Hispaniense* overlooked the absence from Munda of 2 of the younger Pompey's legions.[6] Since Pompey's army consisted not only of 11 legions but of 7 cohorts brought by Afranius, 22 cohorts must have been missing; no doubt there were garrisons in other places besides Dyrrhachium. Caesar's estimate of 45,000 men in 110 cohorts is clearly not a paper figure but a realistic estimate of Pompey's

[1] *ILS* 2225.

[2] However, Caesar's army 'in Italia' (*Sest.* 40 f.), taken with 'absentis exercitus terrore et minis' (*Dom.* 131), might simply be the 3 legions at Aquileia, cf. *Prov. Cons.* 32, 34 for inclusion of Cisalpina in 'Italia'.

[3] Brunt, *AL* 81.

[4] *BC* iii. 4, 88, cf. other sources in p. 689 n. 3.

[5] *Cato Min.* 55.

[6] Caes. *BC* iii. 106. 2; Munda, R. Holmes iii. 542 f.

forces. But is it a realistic estimate of the forces present in the line at Pharsalus (perhaps 88 cohorts) or of 110 Pompeian cohorts, not all of which were present? Appian said that according to the best authorities 60,000 or 70,000 Italians fought at Pharsalus. If 22,000 were Caesarians, 38,000 or 48,000 were Pompeians. The second figure agrees with or derives from Caesar's estimate of Pompeian numbers. But if Caesar overlooked the absence of 22 of Pompey's cohorts, the smaller estimate is probably right. It may be remarked that if Pompey had only 88 cohorts in line and 38,000 men in all, the average strength of his cohorts was about 400 men (his 2,000 *evocati* must be left out of the reckoning), and that the lower estimate at least agrees with Caesar on this point. In my view the lower estimate is Pollio's, and is to be preferred on the ground that Caesar was likely to have overstated enemy strength; Pollio alone could count as one of the best authorities along with Caesar, and he was critical of Caesar's accuracy (Suet. *Caes.* 56).

The heavy losses that could be incurred in campaigns are most strikingly illustrated by Caesar's statement that the 2 legions which accompanied him to Alexandria contained only about 3,200 men; 'reliqui vulneribus ex proeliis et labore et magnitudine itineris confecti consequi non potuerant.' One of these legions was VI, apparently formed in 54/3 (p. 467). If Caesar's veterans had suffered from malaria in Apulia in 49 (p. 620), subsequent exertions might have brought on recurrences of the disease. The second legion was XXVII, the one newly raised legion which took part in the campaign of 48 and was to be left at Alexandria. It must be the legion Caesar summoned from Greece, where it had been serving under L. Cassius and then under Calenus. Only Dio records that Cassius suffered a severe defeat at the hands of Scipio.[1] Hard fighting and hard marching had reduced the strength of this raw unit to not much more than 2,000 men in a year. Even if it was only 4,000 strong at the start, it had lost about 50 per cent of its effectives.

Few, if any, of the legions which fought in 44–43 are likely to have been full. Some had already incurred wastage; others were hastily raised and probably sent into the field incomplete. Those under Antony and D. Brutus were certainly below strength.[2] M. Brutus in Macedon stood in need of a *supplementum* from Italy.[3] Appian states that 19 legions under the command of Brutus and Cassius were not full and more precisely that they mustered some 80,000 foot, a little over 4,000 in each legion.[4] After the second battle 4 legions numbered only 14,000 men.[5] By contrast, the 19 legions Antony and Octavian had in line at the battles were allegedly complete.[6] Antony is made to say that the 28 legions which were to receive land and other 'praemia militiae' numbered *μετὰ τῶν συντασσομένων* 170,000 men. The meaning and reliability of this statement have been discussed (pp. 488 ff.); the total must have been reached by taking each of 28 legions as numbering 6,000 men and rounding off the consequential total (168,000) at 170,000. However, I would doubt if at Philippi even the triumviral legions were in fact 6,000 strong; they would count as complete with 5,000.

[1] *BC* iii. 34. 2, 56. 2, 106. 1; *B. Alex.* 33. 3; Dio xli. 51. 2.
[2] Cic. *Phil.* viii. 27; *Fam.* xi. 13. 2. [3] *ad Brut.* ii. 3. 5.
[4] App. *BC* iv. 108, cf. 88. [5] Ibid. 131, 135.
[6] Ibid. 108.

Antony's 16 legions in his Parthian campaign comprised only 60,000 foot, an average of under 4,000.[1]

Inadequate as this evidence is, it is enough to show that we must beware of assuming that legions, even when raised, were 6,000 or 5,000 strong. At the outset of the civil war in 49 the veteran legions of both Caesar and Pompey probably averaged 4,000; at Pharsalus those of Caesar at least had declined to under 3,000. Brutus and Cassius with an army composed of both veterans and recruits attained a legionary strength of about 4,000; the triumviral legions perhaps mustered 5,000 apiece. Even new legions, hurriedly put into the field, did not necessarily have their full complement. If we strike a balance and allow both for some new legions being 'full' and other older units being gravely depleted, we may tentatively assume that the number of Italians in the army may be calculated roughly by multiplying by 4,000 the number of legions, other than those raised from provincials.

From the time of Scipio Aemilianus we begin to hear of *cohortes praetoriae*;[2] one of 2,000 men is recorded in 42 B.C. Pompey's 2,000 *evocati* at Pharsalus perhaps fulfilled the same role. No less than 8,000 veterans are said to have been enrolled in such cohorts after Philippi, and in 37 Octavian gave 2,000 select soldiers to Antony for service in such cohorts.[3] There are not, however, sufficient data to permit any estimate of their numbers at other times; they were clearly not numerically significant.

[1] Plut. *Ant.* 37. 3—obviously more realistic than 38 (p. 688 n. 5).

[2] App. *Iber.* 84.

[3] App. *BC* iv. 115, v. 3; Plut. *Ant.* 53. 3. On praetorian cohorts in the Republic see A. Passerini, *Le Coorti pretorie*, 1939, 29 ff.

28. SOME CASUALTY FIGURES

Of the numerical data transmitted by ancient writers casualty figures are perhaps the least reliable. When they are not pure inventions or guesses, they must stem ultimately from estimates made by the generals or by other eye-witnesses. A general should have known how many men he had under his command before an engagement. Unless he was able to bury his dead, and chose to have them counted, he might simply estimate the number he had lost by deducting the total of survivors from the total of his soldiers before the action. If he followed this course, he neglected the possibility that some of the men lost had fallen into enemy hands or had deserted. Moreover, he might choose deliberately to minimize his own losses. An eye-witness in his camp might not have access to the general's records and might depend on mere impressions. If the army was totally destroyed, and the general himself killed, it was tempting to suppose that all the men who fought in the battle had been killed, with the exception of any who were known from enemy reports to have been captured. In fact, it is natural to suppose that many were just missing. If the battle had been fought on native soil, like those in the Hannibalic war or in the 80s, many Italians would simply have found their own way home; and even abroad survivors would have scattered and some would ultimately have escaped to friendly communities.[1] Yet it is unlikely that any attempt was ever made to count them, and deduct their number from that of the combatants. Moreover, chroniclers were too ready to assume that armies were at nominal strength when the battle was fought, and therefore, in a disaster like Arausio, involving the destruction of an entire army, to estimate the killed at a figure higher than the number of men who are likely to have been present at the battle (p. 685). A similar mistake could arise when there were some known survivors, as after Cannae, if the number of combatants had been over-estimated; a figure for casualties might simply be calculated by deducting the first total from the second; it would then be too high. All these possible sources of error must be borne in mind, when we consider estimates of casualties given by writers who drew their information from the side which had incurred them.

Figures for casualties sustained by the enemy are even less trustworthy. It is highly improbable that any attempt was ever made to count the enemy dead, even when this was practicable. Because Saul slew his thousands and David his tens of thousands, David was the better man; a general was always inclined to magnify the slaughter he had inflicted; the most veracious could only be trusted to record correctly how many he had taken prisoner.[2] If the enemy's army disintegrated, he would be apt to give out that he had killed all whom he had not captured, although some are always likely to have escaped by flight (especially when there was no adequate cavalry to engage in relentless pursuit). It was common practice to exaggerate the strength of opposing armies. There are

[1] e.g. Fabius *ap.* Livy xxii. 7. 2 (Trasimenus); Caesar *BC* iii. 99. 4 (Pharsalus).

[2] Polybius iii. 85. 1 gives 15,000 captured as well as 15,000 killed at Trasimenus (cf. Walbank on 84. 7); Hannibal's exaggerations may be the ultimate source.

perhaps no examples of this in Roman military annals so flagrant as the estimates Herodotus, Xenophon (though an eye-witness of Cunaxa), and the historians of Alexander give for Persian forces, but we can safely assume that the numbers Roman writers impute to Gallic and Germanic hordes are always too high, and may be grossly exaggerated.[1] Similarly some estimates of Roman forces which Polybius derived from his Punic source are excessive.[2] The glory of a victorious commander was enhanced if he had won against odds, lost few of his own men, and inflicted enormous casualties on the enemy.

For dramatic effect later chroniclers might multiply the heaps of the slain–'quo nimis inclinant ferme scribentium animi'. Valerius Antias perhaps stood by himself in the enormity and precision of his inventions: 'adeo nullus mentiendi modus est', says Livy on one occasion, or again: 'on numbers he has little credit; no author shows less moderation in inflating them'; his fictions are shameless, and it is a matter of surprise if his mendacity is rather modest, or if any other annalist surpasses him.[3] Naturally, it was enemy losses above all that he chose to exaggerate, but the impossible estimate of Roman casualties at Arausio (p. 685) goes back to him, and it is credulous to adopt it; so probably do many of Livy's figures for Roman losses in the early second century, carefully tabulated, as if authentic, by Tenney Frank.[4] It is paradoxical that a Roman should have magnified Roman mortality, but the Romans were proud of their heroism in retrieving disasters; the greater the disasters, the more admirable was their recovery; 'tantae molis erat . . . ' Fabius said that 15,000 were killed at Trasimenus: 'multiplex caedes utrimque facta traditur ab aliis, ego praeterquam quod nihil auctum ex vano velim, quo nimis inclinant ferme scribentium animi, Fabium, aequalem temporibus huiusce belli, potissimum auctorem habui', adds Livy;[5] less wisely, Appian gave 20,000 dead,[6] Eutropius[7] and Orosius,[8] abandoning the true Livian version, 25,000, figures which do not come from Polybius' Punic source (p. 694 n. 2) but, it might seem, from a Roman annalist disbelieved by Livy. In somewhat similar perplexity, at the discrepancies he found in his sources on the booty Scipio captured at New Carthage, Livy concluded: 'si aliquis assentiri necesse est, media simillima veris sunt.'[9] It would be more prudent to treat minimal figures as maxima, when an official report could be tainted with self-glorification.

No doubt the best of our authorities on military history in the period this book covers is Caesar. Yet Pollio thought that his commentaries were composed carelessly and with too little regard for truth.[10] For his own casualties in 48 before

[1] See on Caesar's data for Gallic numbers Beloch, *Bev.* 448 ff. (rightly severe on *BG* i. 29); *Rh. Mus.*, 1899, 429 ff.; for other views Rice Holmes, *Caesar's Conquest of Gaul*[2], 340 ff. The figures given by Polybius (or Fabius) and Livy for Cisalpine Gaula *c.* 225–180 are perhaps not treated with enough scepticism in Chapter XIII.

[2] See Chapter XXIII, section (ii).

[3] Livy xxvi. 49; xxx. 19. 11; xxxiii. 10. 8; xxxvi. 38. 5; xxxviii. 23. 6; sometimes Livy cites Antias' estimates without comment.

[4] *ESAR* i. 110. If Klotz is right (p. 682 n. 3), figures after 188 should come from Claudius Quadrigarius, who was hardly less prone to exaggerate enemy losses (Livy xxxiii. 10; xxxviii. 23; Oros. v. 3. 2; cf. p. 697).

[5] xxii. 7. 2.

[6] *Hann.* 10.

[7] iii. 9.

[8] iv. 15. 5.

[9] xxvi. 49.

[10] Suet. *Caes.* 56. 4.

Pharsalus Caesar gives figures which total 1,237, yet in one engagement Orosius alleges that 4,000 were lost and Plutarch 2,000. The sources are inferior, and Orosius particularly suspect, given his tendency to aggravate the miseries of the pagan era. Yet Caesar had a strong motive to depreciate his own losses and to augment Pompey's; he tells that at Dyrrhachium 2,000 Pompeians fell on one day.[1] He seems to have over-estimated the strength of Pompey's army at the decisive battle, making it 47,000 rather than about 38,000 (pp. 691 f.), plus 7 cohorts guarding Pompey's camp. He claims to have lost only about 200 men himself; of the Pompeians he says that 'about 15,000 were *apparently* killed (this is clearly no more than an impression), but over 23,000 surrendered . . . and many others sought refuge in neighbouring cities'. It is evident that he did not reach his estimate of the Pompeians killed by simply deducting the number of the prisoners from the assumed total of the Pompeian army, since he allows that a large number escaped. But if that be true (as it is immensely probable), and if Caesar's figure for prisoners be veracious and his estimate of the Pompeian army excessive, it follows that he has exaggerated the number of the killed; Pollio put it at only 6,000 for soldiers and held that most of the fallen were slaves.[2] I think that this estimate should be preferred to Caesar's.

Casualty figures are of possible importance for the subject of this book only in relation to the Hannibalic war and the decade of fighting that began in 90. If the highest figures for Roman losses in 218–216 are accepted, the conclusions on the proportion of *iuniores* under arms and on the ratio of *assidui* to all adult males in Chapter V must be modified. In my view these figures derive either from the exaggeration of Polybius' Punic source or from the proclivity of Roman annalists to magnify the stupendous effort Rome made against Hannibal. I need not add here to my earlier discussion (pp. 64 ff., cf. p. 419). The figures for the 80s, if admissible, would cast grave doubt on my estimate of Italian population at the time.

According to Appian alone 6,000 rebels were killed at Acerrae and 6,000 Marsi by Sulla in 90 (*BC* i. 42, 45), 8,000 with their general, Vidacilius, near Asculum (i. 48), 10,000 Etruscans in battle and winter marches over the mountains in 90/89 (i. 50), 50,000 by Sulla near Nola in 89 (i. 50), 15,000 in Apulia in 89 (i. 52), i.e. 90,000 in all, in only a few of the engagements in the Social war. It is a sufficient commentary on these figures that Orosius, for all his love of magnifying the disasters of the past, allows only 18,000 dead at Nola (v. 18. 23) and that Livy seems to have agglomerated rebel losses at 50,000 and allowed as many for Roman (p. 439 n. 5). We do not, however, know the basis for these global estimates and may suspect them to be too high.

No doubt it was Sulla who himself alleged that he had slaughtered 50,000 rebels at Nola. Sulla could also claim that with only some 16,000 men, of whom no more than 12 were killed, he destroyed Mithridates' army of 110,000 at Chaeronea, of whom only 10,000 escaped.[3] It is probably from his memoirs that many

[1] Rice Holmes iii. 475 for Caesar's evidence; Oros. vi. 15. 21; Plut. *Pomp.* 65. 5.

[2] Plut. *Caes.* 46. For Pompeians who escaped see *B. Alex.* 42. 4; Plut. *Brut.* 25; Dio xlvii. 21.

[3] Plut. *Sulla* 15. 1, 16. 1, 19. 4; App. *Mith.* 41, 45. Plutarch expressly cites Sulla's memoirs for his own losses, and I presume all the figures come from the same source. Memnon (Jacoby no. 434) 32. 13 makes Mithridates' army 60,000 strong, more credible but not certain.

of the casualty figures come for the civil war; certainly Plutarch cites them for the claim that he lost only 23 men and killed 20,000 Marians besides taking 8,000 prisoners outside Praeneste (*Sulla* 28)—Claudius Quadrigarius bettered his boast, raising the slaughter to 25,000 (Orosius v. 20. 6)—and I presume that Plutarch (ch. 27) again drew on Sulla for the estimate of 70 Sullans and 7,000 Marians killed in battle with Norbanus in 83; Sulla evidently had a *penchant* for keeping his own losses within two figures. Appian (i. 92), who thought Pompey's defeat of Carbo's army near Clusium, in which 20,000 Marians were allegedly killed, the greatest disaster they had yet sustained, must have adopted a lower estimate of the carnage at Praeneste. In other engagements in the north the Marians had previously lost 9,000 (Orosius v. 20. 7) or 10,000 (Appian i. 91) men near Faventia and 10,000 (Orosius v. 20. 8) or 18,000 (Plutarch, *Sulla* 27) in a defeat inflicted by Lucullus, or so we are told. But nothing equalled the slaughter at the Colline gate. Appian modestly avers that 50,000 were killed on both sides (i. 93). Of 70,000 Marians, according to Eutropius (v. 8), 'XII milia ex Sullae dediderunt, ceteri in acie, in castris, in fuga insatiabili ira victoris consumpti sunt'; Orosius v. 20. 9 adds 10,000 to the total and says much the same; Florus ii. 9 is more succinct: 'septuaginta amplius milia Sulla concidit.' The victory was followed by a massacre of prisoners: 4,000 (Florus), 6,000 (Plutarch), 8,000 (Appian and the *Periocha* of Livy), or 9,000 (Orosius).

Diodorus, Livy, and Appian all appear to have given the same global estimate of 200,000 Italians killed in the civil war of 83–82 (p. 439 n. 5). The incomplete data on casualties in particular engagements certainly imply a larger total, but they are marred by inconsistencies and manifest exaggerations. The global estimate, however, deserves no greater credence. As Sulla took no census and as the enumeration of citizens in 86/5 was probably gravely defective (whatever figure be adopted), historians had no means of computing how many Italians had perished other than that of adding up the numbers supposed to have been killed in the various battles; since these estimates are all suspect, no summation could be trustworthy. The number of lives that the war cost was literally countless.

It may be added that the casualty figures given by Caesar's continuators, 50,000 killed at Thapsus (*B. Afr.* 86) and 33,000 at Munda (*B. Hisp.* 31), against only 50 or 1,000 of Caesar's troops, are in the best Sullan tradition and are not worth a moment's consideration. I incline to put more confidence in what we are told of losses at Philippi, since the cautious Pollio and the eye-witness, Messala, a partisan of Brutus who was to espouse Octavian's cause, are probably the ultimate sources; neither had any motive of partiality to falsify the facts, which they were in a position to know, so far as they were knowable; their estimates are not likely to be wildly incorrect (cf. p. 487).

29. *PEREGRINI* IN REPUBLICAN LEGIONS

THE term *legio vernacula* is explicitly used of one of the Pompeian legions in Further Spain, raised before the war began; it was probably dissolved in the end after fighting for the younger Pompey at Munda (p. 474).[1] In 49 the legitimate legions in Spain included Italians with homes or lands in the peninsula, some of whom had doubtless been raised locally; the particular appellation of the *legio vernacula* implies that it was recruited from provincials who lacked the citizenship but were presumably Romanized in some degree and perhaps partly of Italian stock (cf. p. 231). I take it that it was of exactly the same type as the legion raised by Caesar in Transalpine Gaul about the same time, V Alaudae (p. 468). It seems to me probable that Caesar also enlisted Transpadani, though properly as Latins they were not eligible for the legions, in his regular units, even before 49 B.C., but this cannot be proved.

The Pompeians are recorded to have enrolled provincials and even persons of servile birth in their legions in both Africa and Spain from 47 to 45. Obviously Sextus Pompey had to follow the same course later (pp. 474, 499).

In 47 the Caesarian quaestor, C. Plaetorius, raised a legion 'ex tumultuariis militibus in Ponto', which is called the 'legio Pontica' (*B. Alex.* 34, 39 f.). It seems to me inconceivable in the light of what else we know of recruiting of legions in the east (pp. 227 ff.) that this unit could have been composed of resident Romans; and I take it to be another vernacular legion; hence its name. At most there may have been a nucleus of Romans in it. We may compare what Caesar tells of Achillas' army in Alexandria. He says that it was 20,000 strong and consisted of former soldiers of Gabinius; a few lines later, however, he adds that they had been reinforced by brigands from Syria and Cilicia and other disreputable elements; there certainly cannot have been 20,000 ex-legionaries left by Gabinius in Egypt, and such soldiers can at best have supplied the cadres for Achillas' army.[2] Other *legiones vernaculae* may have been constituted in this way.[3] Caesar may have formed one of the legions he left at Alexandria out of these troops (p. 477). This would have been another vernacular legion, which in due course fought on the losing side at Philippi.

Brutus and Cassius had under their command 3 other such legions, the 2 raised by Brutus from Macedonians (p. 486), and the legion enlisted by Caecilius Bassus and taken over by Cassius (pp. 480, 486).

There were also provincial elements in the triumviral legions. Lepidus raised 3 legions in Nearer Spain and Narbonensis, Plancus 2 in Gallia Bracata, and Pollio perhaps 1 in Further Spain (p. 483). It seems quite evident that Plancus at least must have drawn on Gauls. I doubt if either of his colleagues could easily have found enough Italian residents for their needs. It would not be surprising

[1] The legion raised by Q. Cassius in Spain was not necessarily 'vernacular', cf. p. 231.

[2] *BC* iii. 110.

[3] Hence the veterans of V Alaudae designated as *iudices* (Cic. *Phil.* v. 12; xiii. 3, 37), who were evidently ex-centurions (ibid. i. 20), were probably Italians.

if Lepidus in particular recruited men from towns on which Caesar had bestowed Latinity,[1] just as Caesar himself had probably not scrupled to enrol Transpadani. Antony in his flight after Mutina enlisted Alpine tribesmen and allegedly slaves from *ergastula*; indeed D. Brutus had recruited gladiators, who were not necessarily citizens (p. 484), and the remnants of his army passed to Antony.

In Africa the rival commanders, Cornificius, Sextius, Fufícius, and later Lepidus himself, certainly must have resorted to recruiting considerable numbers of Africans (pp. 483, 499). Lepidus ultimately had 16 'half-full' legions, including all those his predecessors in Africa had raised. Later still, Antony had to fill up his ranks from Sextus Pompey's motley troops and from easterners after the Parthian campaign (p. 507).

If the term *legio vernacula* is restricted to a unit which was purely non-citizen (except presumably for cadres), not all the legions mentioned qualify for the title; many of them were no doubt mixed. But there can be no question that the old limitation of legionary service to citizens broke down after 49, and recruiting in a province does not therefore imply that there were large numbers of citizens to be enlisted there.

Of these partly non-Roman units, all those which fought in 46–45 for the Pompeians in Africa and Spain, including the original Spanish *legio vernacula*, were disbanded, and there is no record that the survivors were re-enlisted in Caesar's army; naturally individuals may have been recruited once more in the struggles that followed his death. The survival of the *legio Pontica* after 47 is also doubtful. Of the *legiones vernaculae* raised before Caesar's death only V Alaudae was destined to endure as a unit.

Those which had served under Brutus and Cassius were also disbanded as such, but survivors were taken into the triumviral armies after Philippi,[2] or in 40 when Domitius Ahenobarbus made his submission, or in 36, after Sextus Pompey's defeat.[3] In that year too Octavian took into his service Sextus' other troops (slaves excepted) and those raised by Lepidus or his predecessors in Africa. In 31–30 he followed the same policy with Antony's soldiers. Even when the legions of defeated commanders ceased to exist as units, the legionary status of the *peregrini* they had enlisted was not disputed. No doubt commanders in the civil wars had purported to give these soldiers the citizenship. In due course the survivors became eligible for land allotments. Thus the colonists Augustus settled included a considerable proportion of legionaries who were not Romans by birth, just how many we cannot say.[4] Augustus as *princeps* seems to have continued the policy of admitting provincials to the legions, at least in the east, and even to have incorporated a Galatian 'legion' in the regular Roman army as XXII Deiotariana (p. 506 n. 3).

[1] Vittinghoff 64 f. Attribution to Caesar of grants of Latinity in Narbonensis is not certain, but immensely probable.

[2] Macedonian recruits must have found it relatively easy to disappear to their homes.

[3] Sextus' army included 2 ex-Republican legions brought him by Statius Murcus.

[4] Octavian's edict on the privileges of veterans, *c.* 30 B.C., implies that some were new citizens, cf. 'utique optimo iure optimaque legis (*sic*) cives Romani sint', *FIRA* i, no. 56.

ADDENDA

p. 28 n. 5. This was written before I had considered C. Nicolet, *L'Ordre équestre*, 1966, 48–68; he ingeniously infers from Livy xxiv. 11. 7 that the census for *equites equo publico* was already 400,000 HS in the Hannibalic war, and from v. 7. 5 that legionary cavalry had the same census as *equites equo publico* (as Livy certainly thought). The argument I have adduced from colonial allotments to legionary *equites* is far from conclusive against this hypothesis; clearly the beneficiaries of these allotments, or their fathers, had possessed an equestrian census, whatever that was, *before* they received colonial lands.[1] But I am sceptical if there were as many as 23,000 citizens in 225 with 400,000 HS or more, a sum that would then have probably represented more in real terms than in Cicero's day, and I wonder if we can be sure that with the growing differentiation between the rich and the poor, the property qualification for *equites*, and perhaps that for the first class, were not revised upwards in the second century, just as that for *assidui* was lowered. Nicolet's interpretation of Livy xxiv. 11. 7 is fragile, if only because there is a class of persons mentioned with between 300,000 and 400,000 HS, which does not correspond to any class in the centuriate system of any period; it is arbitrary to assume that those with over 400,000 were the *equites*.

pp. 37–40. T. P. Wiseman, *JRS* lix, 1969, 60 f. is quite right to insist that registration in absence overseas, still a privilege in the second century, had become a disadvantage by Atticus' time. In the earlier period the citizen who was not even recalled home for a census could permanently escape conscription, and I suspect that this was the reason why conservatives objected to registration in absence. Wiseman himself conjectures that if Atticus had been registered in absence he might have been deprived of a place in the century of the first class or Equites to which he was otherwise entitled. This may be so; I have nothing better to suggest. But in my view registration outside Italy, whether a privilege or a disadvantage, merely illustrates the fact that registration was not restricted to Rome; there are other reasons for holding that it had long been permitted in colonies and *municipia*. It is arbitrary for Wiseman to say that when Velleius ii. 7. 7 mentions 'Italy', he should have said 'Rome'. Wiseman's objections to my view (67–9), seem to me insubstantial, and I find it odd that he should imply that citizens in *coloniae civium Romanorum* were virtually disfranchised.

p. 105. Dio xxxvii. 9. 4 alleges that the censors appointed in 64, like their predecessors in 65, did nothing, because the tribunes hindered them from making up the roll of the senate. A curious passage in Cicero, *Flacc.* 72 ff., makes me doubt this assertion. Cicero tells how C. Appuleius Decianus laid his hands on the property of Amyntas of Apollonis in Asia by force and fraud. Litigation in Asia

[1] See also p. 711.

resulted in the governorships of P. Orbius (64), P. Servilius Globulus (63), L. Valerius Flaccus (62), and Q. Cicero (61 or later). One device Decianus adopted was to register the property as his own in a Roman census. Now that cannot be the census of 70, since the litigation would then have begun earlier than in 64. Was it then the census of 61? Unfortunately there is a lacuna in our surviving manuscripts at the end of section 80, but there seems to be no reason to doubt the authenticity of words that fill it which Lambinus claimed to have read in a codex now lost; these words show that it was Flaccus who decided that Decianus' entry of the property in the Roman census was null and void, no doubt for some or all of the reasons adduced by Cicero in section 80. Hence the census in question can only be that of 64–63.

It is true that Mommsen (*StR* ii. 420) inferred from texts of Livy that the *lectio senatus* was normally one of the first tasks the censors undertook, and it might then seem that the failure of the censors of 64 to achieve this task might have led to their resignation. But Mommsen's evidence is frail, as we should not depend on Livy's exactitude in these chronological points, and he admitted that there was no rule. Indeed, it might fairly be argued that if the censors were obstructed by tribunes in 64, they would naturally have deferred the *lectio senatus* until 63, and that the successful obstruction must be dated in 63, when they had no option to go out of office with this part of their work not done; it is not recorded that they abdicated prematurely. Dio has then misdated the obstruction to 64, and it is unlikely that they also failed in all their other tasks over eighteen months. Evidently they did register the property of some citizens, and therewith their names. Nor does Cicero suggest that it was because *all* their acts were null that the registration of Decianus' Asian estates was voidable or actually voided by Flaccus. On the contrary, he assumes that if such registration had been legitimate in itself, in any census held at Rome, it would have exposed the property to any *tributum* that might have been levied on citizens as such. The fact that the *lustrum* was not taken was not relevant. Similarly the registration of citizens in 89, though far too incomplete to be meaningful (Cic. *Arch.* 11), was not invalid because the censors of that year took the *lustrum* 'sine ullo decreto augurum', making it thereby 'parum felix' (Festus 366 L.).

No doubt in an earlier age the religious formality had had a greater significance. Cicero poses the question: 'de libertate, quo iudicium gravius esse nullum potest, nonne ex iure civili potest esse contentio, cum quaeritur, is qui domini voluntate census sit, continuone, an, ubi lustrum sit conditum, liber sit? (*de orat.* i. 183). It is significant that there was any room for doubt. In or before Cicero's time some jurists had evidently taken the view that the consummation of the *lustrum* was not necessary to establish the validity of an entry on the census lists. Cicero does not tell us if the courts had settled the question, but I conjecture that by his time they had resolved it in favour of the freedman. There are two grounds for this conjecture, first that religious scruples now counted for little, and second that in an age when the *lustrum* was not taken, the practical inconvenience of treating as null all acts of the censors which in the stricter practice of the past had required lustral sanction was too great to be ignored. (It is true that the *fragmentum Dositheanum* 17, though written not before the end of the second century A.D., treats the controversy as still undecided, but it seems to me that the author

was mechanically copying a much earlier work, adding only a reference to provincial censuses at the end.)

Further reflection indeed shows that the censors of 64–63 can have made little progress in registering the citizens. This is proved by the nature of Cicero's defence of Archias in 62 (Schol. Bobb. 175 St.). He cannot claim that Archias had been registered in 63, and it would be impossible to explain this by the assumption that in 63 Archias' right to citizenship was already *sub iudice*, not only because Cicero does not offer this explanation himself, but also because he refers to the censors of 70/69 as the last censors (*Arch.* 11). Of course this expression was strictly incorrect: there had been two subsequent pairs. But clearly he means that they were the last who had produced a list of citizens that it was reasonable to consider. The case of Decianus shows that the censors of 64–63 had made a beginning, but they had evidently not gone far. Their successors in 61–60 and 55–54 may have done better, and in so far as any of the censors between 69 and 28 made entries in the census lists, I believe that these entries would have been regarded as valid.

Wiseman's article (cited on p. 105 n. 5) convinces me, in its account of these censorships, no more in its final and published form than in draft. He holds that the *nobiles* consistently opposed any real expansion of the electorate and that they did not wish any census to be completed in the post-Sullan period. Yet the great increase of the electorate in 69 (if not in 86) does not seem to have impaired the control they normally retained over consular elections. (It is very strange to be told that the restoration of the *collegia* and Clodius' activities show that the *boni* had lost their grip on the *centuriate* assembly.) As some at least of the censors after 69 were themselves *boni*, he really needs to show that they themselves did not wish to finish their tasks; of this there is no sign. We ought to declare ignorance of the reasons why they were impeded. One may recall the jealousy that some of the *boni* showed of Lentulus Spinther in 57; every prominent man at Rome was liable to incur grudges that may elude our knowledge or even conjecture; the glory of being a censor was plainly dimmed, if he had to demit office with the *lustrum* incomplete. Wiseman connects the expansion of the electorate with the post-Sullan pullulation of attempts to curb bribery; of course the more voters there were, the more costly it became to corrupt them. But I find it hard to believe that after 69 many of the relatively rich citizens, whose votes counted in the centuries, remained off the rolls, or that a new registration (not including the Transpadani) could have made the problems of candidates much more complex.

p. 124 n. 4. What is said in the next chapter of the disparity in numbers of slave men and women that may probably be postulated, and of the reliance of owners on importing rather than breeding slaves may seem to exclude the possibility that there were as many as 3 million slaves in Augustan Italy. However, one may note the 'conservative estimate' that in three centuries 15 million African slaves were carried to the New World (reported by D. B. Davis, *The Problem of Slavery in Western Culture*, 1966, 9). Imports into Italy had surely been on a large scale throughout the two centuries preceding the Principate, and the sources of supply were nearer. Apart from war and piracy, we have to reckon with the peacetime activities of slave traders, even though we hear curiously little of them (M. I.

Finley, *Klio* xl, 1962, 51 ff.). Well-known data on mass enslavements are collected by W. L. Westermann, *The Slave Systems of Greek and Roman Antiquity*, 1955, chapters IX and X. Westermann 63 is quite wrong in denying that Plutarch and Appian do not claim that Caesar enslaved a million Gauls, besides killing a million; though the figures are totally unreliable, they reveal the kind of scale for enslavements that was thought credible. Cic. *Att.* iv. 16. 7 is very significant on the benefits of imperialist campaigns to the slave-owners. Of course the ratio of slaves to free in Roman Italy fell far short of that in the British West Indies, where they formed 86 per cent of the population about 1790 (Davis 162 n. 73).

p. 135. Although there is no general treatment of ancient famines, much information can be found for certain periods in M. Rostovtzeff's *Social and Economic History of the Hellenistic World* (cf. F. Heichelheim, *RE* Suppl. vi. 819 ff.), in his *Social and Economic History of the Roman Empire*[2] (cf. *RE* vii. 126 ff.), and in A. H. M. Jones, *The Later Roman Empire*, see the indexes in each work s.v. 'famines'; R. MacMullen, *Enemies of the Roman Order*, 249 ff., is also valuable for imperial times. The most illuminating evidence probably comes from Syrian Antioch in the fourth century A.D., see especially P. Petit, *Libanius et la vie municipale d Antioche*, 105 ff. Indeed no period is better documented on scarcities than the fourth century, see also Ruggini (index, s.v. *carestia*), and for Rome, H. P. Kohns, *Versorgungskrisen und Hungerrevolten im spätantiken Rom*, 1961; his introduction gives an excellent short analysis of the general conditions which tended to result in scarcities. But comprehensive examination is still needed.

This can best be seen from Rostovtzeff's discussions. Although aware of the high cost of transport, particularly by land, and of the difficulty that cities must often have had in paying for imports, he is (in my view) prone to exaggerate the extent to which ancient communities were dependent on regular large-scale imports of grain. He could even aver that in the Roman empire Greece, Italy, and Asia Minor as a whole normally depended on such imports (*SEHRE* i. 147, 201). That is intrinsically incredible for communities distant from the sea or a navigable waterway, and I find no good evidence to justify the view for Asia Minor any more than for Italy as a whole. It is of course no proof of its correctness that grain was imported, sometimes with charitable aid, when the local crops had failed. Moreover, even when there were regular imports, they may often have accounted for only a marginal proportion of what was consumed. Rostovtzeff and others have rightly emphasized the importance of *sitonai* and similar magistrates, especially in the Greek East (cf. A. H. M. Jones, *Greek City*, 217 ff.; Liebenam 368 ff.). It is clear that to many cities it was of primary importance to ensure that adequate food supplies were available and that prices were kept down. But in default of direct evidence it should never be assumed that their principal recourse was to buy food from outside their own territory. In an important note (ibid. ii. 598 ff.) Rostovtzeff himself cites evidence which shows that at Antioch in Pisidia, Aspendus, and Ariminum (note 'in *sterilitate* annonae', *CIL* xi. 377) dearths arose from failures of local production; the same was true of scarcities at Prusa (Dio, *Or.* xlvi), and in Syrian Antioch in the fourth century. Yet of these places only Pisidian Antioch was very remote and inaccessible. The striking quotation from Galen vi. 749 K. in Jones, *Later Roman Empire* i. 10 (which also

illustrates the connection between undernourishment and disease), shows how generally city dwellers depended on the production of the local peasants. Jones has much the clearest conception of the general conditions that obtained for the food supply, see especially op. cit. ii. 841–5. There he adduces texts from Gregory of Nazianzus and John Lydus which show how the interior of Asia relied on its own production, with the result (in Gregory's words) that 'our surpluses are unprofitable and our scarcities irremediable'. Late as this evidence is, it is perfectly applicable to every preceding epoch of the ancient world and to every region lacking water communications, for there had been no regress in the efficiency of land transport. At most some inland cities may on occasions have enjoyed the resources, perhaps through the munificence of a rich benefactor, to bear the enormous costs of importing grain, to meet a grave famine. Persons could of course be moved more easily than bulky goods, and local scarcities probably did much to stimulate the practice whereby men sold themselves or their children into slavery; the Phrygians in the heart of Asia were noted for this (Philostr., *Vit. Apoll.* viii. 7. 12, cf. L. Mitteis, *Reichsrecht u. Volksrecht*. 358 ff.).

It impressed Rostovtzeff that we have more evidence for dearths in Hellenistic than in classical Greece, and he supposed that they were less common before Alexander. But most of our evidence for classical Greece comes from Athens, which had exceptional ability to import what was needed; Thucydides (ii. 38) could paradoxically describe her as 'most self-sufficient' of cities. In a more straightforward sense self-sufficiency was the natural goal for every city, as Plato and Aristotle saw. Even lands which usually had a grain surplus, like Egypt and Africa, were not immune from occasional dearths, as Rostovtzeff proved for those who have forgotten *Exodus*. The relatively infertile soil of Greece must have been far more susceptible to failure of the crops. No city indeed was very far from the sea, and the Greeks could import more easily than people in the interior of Italy or Asia, provided that they had the means of payment, which must often have been wanting. By her proximity to the sea Rome also enjoyed at all times the same facility for supplementing local harvests.

The annalists frequently record dearths and grain imports in early Rome, for instance in 508 (Livy ii. 9. 6, Dionysius v. 26), 499 or 496 (Dionysius vi. 17), 492 (Livy ii. 34 f., Dionysius vii. 1 f., 12), 477 (Livy ii. 51 f.), 476 (Dionysius ix. 25), 456 (Livy iii. 31), 440–439 (Livy iv. 12–16, Dionysius xii. 1–4), 433 (Livy iv. 25), 428 (ibid. 30), 411 (ibid. 52), 392 (v. 31. 5), 390 (ibid. 48. 2), 383 (vi. 20); these are explained by the incidence of droughts or the inability of the farmers to sow or reap the fields because of enemy activity, internal strife, or pestilences, and we are told that in 492 they were aggravated by the lack among the poor of storage capacity for seed or food, and in 476 and 440–439 by hoarding. We are told of imports from Etruria down the Tiber, from the coastal regions of south Etruria, Latium, and Campania, and even in 492, 433, and 411 from Sicily. It is arguable that the annalists drew ultimately on pontifical records (Cato, *Origines*, fr. 77 P.), or that there was confirmation from Cumaean or Sicilian histories (Momigliano, *Quarto contributo alla storia degli studi classici e del mondo antico*, 1969, 331 ff.). But even if the evidence is not authentic, it retains some value, since the annalists were perfectly aware from their own experience what were the inevitable conditions of life in a small city, such as they knew Rome to have been in the fifth

century. In their day there were still hundreds of communities which depended on the produce of their own fields and which had to make special efforts to import food, even from neighbours as close as the Volscians or the dwellers in the Pomptine land to early Rome, when that produce failed. The factors that caused such failures were familiar, and it was quite reasonable for them to suppose that they had operated in Rome during the fifth century; even if there were records of the scarcities they purported to describe, it is unlikely that the details are other than imaginative inventions. They also knew that if such scarcities occurred, Rome was bound to look for imports that could be brought by sea or down the Tiber. Whatever may be said of the imports from Cumae and Sicily, it seems to me likely enough that the notion that early Rome drew part of her supplies in times of shortage from the interior of Etruria was prompted by later experience, and none the less plausible for that. To say nothing of other annalistic evidence for surplus grain production in Etruria (Livy v. 13. 1, x. 5. 12, 37. 5, xxv. 15. 4, 20. 3, 22. 5, xxviii. 45. 17 f.), Varro (*RR* i. 44. 1) mentions, and probably exaggerates, the rich yields there, and the elder Pliny alludes to the fine wheat of Arretium and Clusium (*NH* xviii. 66, 87, cf. Colum. ii. 6. 3), as also to that of Pisae (ibid. 86); his nephew raised grain, as well as other crops, on his 'Tuscan' estate, the surpluses from which were shipped down the Tiber (*ep.* v. 6. 10–12); I question whether even in the Principate Rome wholly depended on seaborne imports of grain.

Even Kohns laments the adverse effect of these imports on the Italian grain producers. But the truth is that from the first century B.C. the inflated population of the city could not have been fed from the adjacent countryside nor from those areas in Italy whence grain could have been supplied without incurring prohibitive costs (p. 180 n. 9). No doubt the fact that some provincial supplies consisted of tax or requisitioned grain, for which the government had paid nothing or a price below market levels, exposed the Italian producers to unfair competition, but it seems unlikely that in any event those who were near enough to the city to have competed at all could have supplied sufficient quantities, and it was good sense for the nearest to concentrate on the production of fruit and vegetables for the Roman market. However, as late as Cicero's time, Campania, if not Etruria, remained what it had been in the Hannibalic war: an important source of the city's grain (p. 273, cf. *leg. agr.* ii. 80); Strabo was still impressed by the production in the plain there of wheat, emmer, and millet (v. 4. 3), and Columella (iii. 8. 4) and Pliny (*NH* xviii. 111) reiterate his praises; unless the whole production was consumed locally, some of it no doubt still went to Rome. Since shortages still occurred there, even after Augustus had devised a better system for procurement, the capital could not have foregone resort to any sources of supply, which could meet the marginal difference between plenty and dearth. But from most of the interior of Italy and from Cisalpina transport costs were too heavy a burden. By the same token those regions were incapable of importing food regularly. This is why each region (pp. 180 ff., 374), and even large estates (p. 346), had to aim at autarky, and why we cannot accept the claim of Tiberius, or Tacitus, that the whole of Italy depended on seaborne imports (p. 129). But for the continuance of local grain production everywhere, the scarcities at the times of the piratical depredations and of Sextus Pompey's blockade would have attained catastrophic

proportions. It is in fact significant that Appian ascribes the shortage of food in 41 not merely to Sextus' activity, but also to the failure of the Italian farmers to sow their lands (*BC* v. 18), and no less that in a famine at Rome in A.D. 6 the inhabitants were encouraged to go off into the country, where there was clearly food to be got (Dio lv. 26. 1). What distinguished the upland valley of Sulmo, 'terra ferax Cereris multoque feracior uvis' (Ovid. *Am.* ii. 16. 7), from other remote districts was not the cultivation of cereals, but the relative fertility of its soil; corn growing was ubiquitous (p. 374 n. 4), and it was naturally most necessary on distant ranches (p. 372 n. 5), or in a region as inaccessible as infertile Lucania (p. 359); its importance in maritime Apulia (p. 369) calls for no comment or surprise.

As nearly every district relied almost wholly on local production, prices must have oscillated wildly, as in better documented ages, from season to season, and within each year between the time just before and that just after the gathering of the crops. It is sheer folly for us to estimate average prices in any period of antiquity, except for a *single* place, for which we have *numerous* data over a *succession* of seasons, and in Italy there is no such place. For Rome alone we have what Pliny gives as a mean price for *farina* (p. 376 n. 3), though we do not know on what evidence, as distinct from subjective impression, he could have based it. Certainly in the 50s grain prices in the city fluctuated sharply (Brunt, *Past and Present*, 1966, 25 f.), and of course what mattered to the consumer was the price he had to pay when he was hungry, not a statistical average. Scarcities, or famines, must have been frequent; our harvest festivals, now meaningless, commemorate the deepest and most continuous anxieties once felt by the greater part of mankind. Hence the Italians, who preferred wheat or emmer, were prone, even in relatively fertile areas, to sow crops that furnished them with food less palatable but more dependable, the 'famine crops' to which I refer on pp. 178 f., 184, 194, barley, beans, lupins, millet, rye, turnips; the last, according to Strabo, were sown by the people of Casilinum, when besieged in the Hannibalic war (v. 4. 10). Columella says of barley: 'nec aliud in egenis rebus magis inopiam defendit'; of lupins: 'famem quoque, si sterilitas annorum incessit, hominibus commode propulsat' (ii. 9. 14, 10. 1). It is also significant that he thinks millet and turnips useful to fill the stomachs of 'coloni' or 'rustici' (ii. 9. 17, 10. 22). As the text of Galen cited above shows, the peasants often had to be content with the poorest sustenance. The risk of hunger or starvation affected the producers as much as the urban populations; when local production failed, they were the first victims, as they had no other source of food.

p. 136. T. P. Wiseman, *JRS* lix, 1969, 72 ff., suggests that some factors in the late Republic favoured population growth, viz. (*a*) the influx of wealth from the early second century; (*b*) the corn doles at Rome; (*c*) urbanization. But (*a*), the new wealth went largely to the upper classes, and the vast importation of slaves limited the opportunities for employment which the free poor might otherwise have enjoyed from the consequent rise of their expenditure. (*b*) The corn doles were confined to Rome and even there were inadequate and intermittent, see Chapter XXI. Though I agree with Wiseman that there are reasons for thinking

that even among the peasantry fertility may have been low and mortality high, urbanization was probably still more adverse to natural increase (pp. 134, 385 ff.). Wiseman points out that we do not hear of major epidemics between 142 and 22. It is surely unlikely that the epidemic in the senatorial army outside Rome in 87 (p. 286) did not spread to the city, but leaving this point aside, it seems in any case clear that Republican Italy at no time suffered from plagues on the scale that desolated Europe in the fourteenth century or in the early modern period. Hence, the relative absence of recorded *epidemics* in the late Republic does not imply that the mortality rate was significantly lower than in earlier periods; the main factor was *endemic* disease.

p. 144 n. 1. In general it is uncertain how far we can properly use statements by the classical jurists as evidence for conditions in the late Republic or in the time of Augustus. But in *Dig.* xxxiii. 7. 12. 5 Ulpian is citing Trebatius, and the text also refers to *lanificae* as well as to *ancillae* engaged in domestic duties in the farmstead; there is another allusion to *lanificae*, which comes from Servius Sulpicius, in the next sentence. Alfenus, cited in the note, also gives Servius' view, and it was Servius whose opinion on *textrices* Ulpian reports in xxxiii. 9. 3. 6. In *JRS* xlviii, 1958, 166 I sought to cast doubt on a common view that the number of slaves must have declined under the *pax Augusta*, when owners had to rely to a much greater extent on breeding. The epigraphic and juristic evidence from the Principate does indeed suggest that in the trades and crafts slavery remained at least as important as ever. No doubt it was profitable for owners to breed slaves who were to be trained for skilled work, especially as they could be reared at small cost in the country during infancy (see *Dig.* xxxii. 99. 3 as well as l. 16. 210). It is also clear that rural slavery, if it declined, did so but slowly, and never became extinct in Italy, so long as the empire lasted. But neither the parallel from the West Indies, where slaves notably failed to reproduce themselves, nor that from the Southern states in the U.S.A., where there was some natural increase, may be exact for Roman Italy. Having a nearer source of supply than the Americans and requiring primarily male slaves for heavy work, the West Indian planters relied chiefly on imports: in the Southern states in 1850 there were as many women as men, and women were employed in the fields on a large scale. To judge from Cato's practice (there are no *ancillae* on his model farms except the *vilica*), *latifondisti* in Republican Italy probably preferred, like the West Indian slave-owners, to buy more than they bred; in that period market prices were inevitably low. When imports became scarcer, they must have been thrown back far more on breeding, and Columella gave privileges to the *ancilla* who bore three children, and freedom to the mother of more (i. 8. 19). (If he referred to children born and not to those who survived for a certain term of years, he was content with a fertility rate that would probably have been inadequate to replenish the household.) But the profitability of breeding must have been limited by the degree to which employment could be found for the slave women. Although Columella refers elsewhere to their working in good weather in the fields, and at other times at spinning (xii. 3. 6), he also thought that open-air work was more suited to men (xii. *pr.* 4). One may doubt if either women or children were used as much on Roman as on American plantations; certainly the

evidence I was able to find in 1958 was meagre; for children I may add Colum. ii. 2. 13, iv. 27. 6. I am, therefore, inclined to think that slavery must have declined in the countryside, once imports had become less abundant: its continued dominance in the trade and crafts of Italy is beyond dispute. In the Republic breeding was no doubt in general still less frequent. E. J. Jonkers, *Economische en sociale Toestanden in het romeinsche Rijk* . . ., 1933, 113 collected 152 legal texts referring to *partus ancillarum* and to *vernae*, some of which indicate the value owners set on slave breeding, but of these only 4 cite Republican or Augustan jurists (*Dig.* vii. 1. 68, ix. 2. 9. *pr.*, xxiv. 3. 66. 3, xli. 10. 4. *pr.*); this may in itself suggest that slave breeding assumed greater economic importance after Augustus. Thus, in the period with which this book is concerned, *ancillae* were of relatively small utility, whether for the jobs they could perform, or for the purpose of maintaining the supply of slaves, and among both the slave and libertine populations men are likely greatly to have outnumbered women.

p. 182. In the absence of statistical data or express testimony it is a mere assumption that Pliny's criterion for putting wine first among the products of Cisalpina must have been profitability, and I now think that the explanation is incomplete.

No doubt wine could stand the high costs of transport better than grain, and could therefore have a more than merely local market; we know that it was sold beyond the Alps in lands where the vine did not then grow. But in Italy or Mediterranean countries in general Cisalpine wine could hardly have competed with local vintages, unless it had been of finer quality. Tiberius prized the wine of Verona (Pliny, *NH* xiv. 16), but Pliny himself did not place any Cisalpine wines in his first four grades (ibid. 59–66), and mentions only some as tolerably good (67 f.). That does not suggest that in his time Cisalpina could have had any substantial exports of wine except to the north. It might still be true indeed that growers, though producing mainly for local consumption, looked to wine as the chief cash crop, whereas cereals and vegetables may have been raised on their estates primarily for the subsistence of the household and tenantry.

Another consideration must be borne in mind. Like other Roman writers on agriculture, Pliny was addressing an upper-class public; far above the hunger line themselves, they were less conscious of the basic importance of cereals, but wine was of interest to them as an article of consumption on their tables as well as of production on their estates. G. Duby (*Rural Economy and Country Life in Mediaeval Europe*, Eng. tr., 1968) remarks that in the high Middle Ages lords bore cheerfully the heavy costs of viticulture 'for the wine produced on their land and by their own care was essential for entertainment and gifts. Besides, no other agricultural product sold better than wine. . . . . The art of gardening and the care of vineyards . . . of all forms of peasant labour were of the greatest interest to men of quality' (272 f.). Pliny's laudation of the vine (xiv. 8) betrays the same outlook; its source is not simply economic. Viticulture ennobled the producing country.

Wine was surely a product in which the upper classes specialized. A. Aymard has indeed argued that vines did best in the hands of small producers (*Annales, Économies, Sociétés, Civilisations*, 1947, 257–65). But the evidence he himself

gives for modern fluctuations in productivity, which must have been paralleled in antiquity, makes against this supposition. Only a grower with some capital could bear the loss of a poor season, or even the unprofitability of a bumper vintage. Only he could afford to wait for the best prices. Moreover the peasant could hardly begin to plant without capital, since the young vines yield nothing for five or six years. In medieval times indeed viticulture was not confined to the demesne (though it seems to have been more prevalent there), but the tenant could be assisted by an arrangement approximating to *métayage*, in which the risks at least were shared (Duby, 216). It was to this sort of arrangement that the younger Pliny finally resorted (*ep.* ix. 37). It is of course clear that tenants also cultivated vines, when they were paying money rents, but (*a*) the owner often supplied the more costly equipment; (*b*) the farms may have been planted before they were let out; (*c*) the tenants were not necessarily very little men; (*d*) *contra* Sherwin-White's note on Pliny, *ep.* viii. 2. 1, Frank (*ESAR* v. 178) may still have been right in surmising on the basis of Columella's evidence that direct cultivation by the owner was more usual in the Principate; (*e*) the presence of vineyards on tenanted farms is no evidence for their presence on farms worked by small owners; where land was let to *coloni*, the landlord naturally retained a profound interest in the land's profitability.

I conclude, therefore, that the elder Pliny's assessment of the importance of vines in the Cisalpine economy was biased, because he wrote from the standpoint of landowners to whom as a cash crop and as an article of consumption wine was of importance disproportionate to what would now be called its contribution to the gross national product. Poverty and low demand inevitably limited total output. Cato gave his slaves not wine but 'lora', a beverage of which must was less than a fifth (*de agric.* 57, cf. 104); Pliny (*NH* xiv. 86), who knows of more than one recipe, says that such drinks 'inter vina operaria numerantur'; the free labourer could afford genuine wine no more than Cato's slaves.

pp. 195 f. G. Duby, op. cit. (p. 708), gives an account of the reclamation that proceeded in the early Middle Ages which seems to strengthen the hypothesis advanced in the text. While individual hermits, charcoal burners, and above all land-hungry peasants were constantly pushing forward the bounds of the cultivated area by nibbling away at the verges of the surrounding waste land (71 f., 74 f.), major operations of reclamation, especially those in wild or isolated districts and those which involved expenditure on drainage, demanded capital, discipline, and organization, which could be supplied only by the lords, or in Lombardy by the urban communes (70, 73, 76); indeed, settlers were not always easy to attract. 'The immigrant often arrived on new lands empty handed, without worldly goods, even without anything to eat until his assart could yield its produce. He had first to be admitted, to be helped and to submit to the collective discipline without which the new land could not be brought into production', and hence, even when he had not been brought in by a lord, he would often commend himself to one (114). I assume that the evidence cited by Duby (121) for a surprising degree of peasant mobility (e.g. migrations from Brittany to the Bordelais), which seems to make against the views expressed in Chapter XIV, should be read in the light of this account of major reclamations. It is also to be

noted that assarts were often resented by village communities, because they diminished the land available for grazing rights (157 ff.); in the ninth and tenth centuries pigs in particular, which could be fed in the adjacent forest land, 'formed everywhere the mainstay of every farming system large and small' (8), and they remained indispensable for the subsistence of small households in the eleventh, twelfth, and thirteenth centuries (141). The more importance we attach to pig-raising in the domestic economy of the peasants of Roman Italy, the more we may doubt if peasants would have been apt to entrench on the waste land, especially in areas where in default of adequate dykes and canals they stood to lose everything, as they did if *abluvio* affected land that had not been assigned to them but merely occupied (Hyginus, *de generibus controv.* 124 L.). It must also be borne in mind that possession must have been relatively hard to maintain by legal process in the case of *ager occupatorius*, and that it is probable that the small man could often not bear the cost of litigation nor secure equal justice from the courts.

Analogies from medieval times are of course inexact, if only because of the difference in the ancient system of land tenure. In such Latin and Roman colonies as were founded in Gallia Cisalpina, the land neither distributed to the *coloni* (*ager divisus assignatus*) nor left in the hands of the former proprietors might be either *ager compascuus*, appropriated for pasturage to named *fundi*, or it might be assigned to the colony as such, or it might remain the property of the Roman state; there were also some *loca sacra aut religiosa* (cf. Frontinus, *de controv.* 8, 20 f., 22 f., 48, 53 f., 55–57 L.). Municipalities likewise had their own lands (Hyginus, *de condicionibus agrorum* 116 L.). Municipal lands were commonly rented out (*agri vectigales*), sometimes in renewable leases of one hundred years; apparently the right to collect the *vectigal* was purchased by *mancipes*, who were empowered to lease or sell the right of exploitation 'per centurias', i.e. perhaps in lots of not less than 200 *iugera* (Hyginus, loc. cit.); it is obvious in any event that the *mancipes*, who must have had to give security to the city for their obligations, were men of substance, and in effect municipal land was thus granted in virtually perpetual leases to the leading citizens, who could use their local influence to ensure that the *vectigal* was far from onerous. Similarly it was the rich who profited from opportunities for *occupatio*. It would seem that such 'possessores' illicitly annexed *subseciva*, whether these had been granted to the city or remained the property of the Roman state; Frontinus (53 f. L.) writes: 'per longum enim tempus attigui possessores vacantia loca quasi invitante otiosi soli oportunitate (*sic*) invaserunt et per longum tempus inpune commalleaverunt'; when Vespasian sought to resume the state's rights, 'quassabatur universus Italiae possessor' (cf. 21). Similarly Frontinus records of *compascua* that 'haec pascua multi per impotentiam invaserunt et colunt' (48 L.) and that they had also seized on sacred lands (56 f.). It is clear that such usurpations were open only to members of the local ruling class, apart from the magnates of Rome itself; the municipal governments would have been capable of checking encroachments by mere plebeians. Hyginus also speaks of land as given to the *ordo* of a colony (236 L.); this may mean that land that strictly belonged to the colony was known in practice to be reserved for the enjoyment of members of the *ordo*. The *gromatici* were describing conditions under the Principate, but in the Republic too Italian

towns were oligarchically governed, and it is unlikely that the ruling class did not use their power then, as later, to their own advantage. Hence the control they had over the waste land (including that which still belonged to the Roman state, since the state had no adequate machinery for supervision) was hardly less than that of feudal lords in the Middle Ages, and they had the political power, as well as the best economic resources, to reclaim the waste whenever it seemed to their profit, just as they might bring *compascua* under cultivation. No doubt some of the Roman nobility and *equites* may have shared in such enterprises; one may think of the interests that the Calpurnii Pisones had in Cisalpina (Cic., *Pis.* fr. ix–xv, *ILLR* 423 f., 639). Men of equestrian rank were perhaps attracted to colonial allotments in the north, partly by the associated rights to *compascua* and still more by the prospect of being able to exploit the land not distributed nor reserved (as the *compascua* were) to the benefit of specified persons or properties.

p. 198. The effects of the slaughter and enslavement of Gauls and Ligurians early in the second century, of the devastations of the country and of the consequential disruption of the system of dykes and canals may easily have been comparable to those of the barbarian invasions in the fifth and sixth centuries, described by Ruggini 276 ff. Unfortunately Gallic and Ligurian chiefs left no eloquent records, unlike Christian bishops. It would be a mistake to underrate the barbarity of Roman methods, see Polybius x. 15. As the enemies of the Romans *par excellence*, the Gauls probably suffered atrocities in proportion to the fears they had inspired. A century may well have elapsed before Cisalpina regained the levels of economic prosperity and density of settlement attained on the eve of the Roman conquest.

p. 308. It is an old conjecture that Florentia owed its origin to a settlement on the Via Flaminia built in 187 from Bononia to Arretium; Toynbee, ii. 666 f., defends this view with the argument that its name, derived from a *numen*, belongs to a series, first exemplified at Placentia in 218 and last at Pollentia in 120. It is clear that the Latin form of the name indicates a Roman foundation, probably for Roman or Latin settlers; this in turn implies that the site and territory of Florentia belonged to Rome. But it seems implausible to me to suppose that in the second century Rome had annexed land in central Etruria, presumably from Faesulae. Moreover, Valentia in Narbonensis proves that the Romans were still capable of conferring '*numina*-names' on towns long after 120. There is another parallel in the title of Fidentiores borne by the Sullan colonists at Arretium; is it conceivable that the Sullan colony was actually named Fidentia, though in the end, when the colonists merged with the old inhabitants, Arretium preserved its old name? I incline to the view that Florentia was a Sullan foundation, perhaps designed to replace Faesulae; here a merger never took place, and when Faesulae recovered its separate identity, both towns existed side by side. We can, of course, well suppose that an Etruscan town had grown up on the site of the later Florentia by 83, as a dependency of Faesulae, and that the destruction of this *conciliabulum* was anachronistically treated by Florus as the destruction of Florentia.

p. 319. The dating of the Lex Mamilia Roscia Peducaea Alliena Fabia to 55 is not quite certain. In a careful article F. T. Hinrichs has recently contended that

it should be placed in 49 and that Aemilia should be substituted for Mamilia; in his view the law, passed by Caesarian praetors headed by M. Aemilius Lepidus, provided in advance for the allotments to Caesar's veterans which were actually made in 46–44 (*Historia*, 1969, 521 ff.). He has, I think, established that Caesar, *BC* i. 15. 2 does not show the law to be earlier than 49, but his own thesis cannot be considered proven. It requires us to believe that there were ten praetors in 49 (see his note 47), but they were elected in 50, not a year in which one would expect even this minor constitutional innovation either to have been made or to have passed unnoted by Caelius. Moreover, Cic. *Phil.* v. 53 seems to show that Caesar's veterans were settled under a Lex Iulia.

p. 341. The men in class (*c*) include those free-born soldiers whom Sextus Pompey enlisted, some indeed before 40, and soldiers recruited by Lepidus in Africa and by Antony in the east (cf. pp. 499 f., 506 f.), all of whom Octavian took into his service.

p. 397. With 8-7 legions the average number in service from 200 to 168 (p. 423) and about 6-5 from 167 to 91 (see Table XIII on pp. 432 f.), the complement of citizen cavalry required each year at 200–300 per legion averaged 1,740–2,510 in the former period, and 1,300–1,950 in the latter. But in 225 there were 23,000 citizen *equites*, and this class is much less likely to have been reduced in numbers than the peasantry, who served on foot. If we suppose that its number did not fall, then on average only some 5 to 10 per cent of the *equites* were required for the legions, whereas 25–50 per cent of the *assidui* qualified for foot service must have been normally under arms, even on the implausible assumption that they still counted some 100,000, as in the Hannibalic war (p. 66). It is significant that fewer *stipendia* were probably required of *equites* than of *pedites* (p. 399). The richer citizens whose resources best fitted them to support the economic handicaps of prolonged absence from their farms were thus least subject to the oppressive conscription system. Moreover, the disappearance of legionary cavalry in the first century[1] is more likely to be the result of a gradual evolution than of some sudden and unattested reform, effected by Marius or any one else; it is probable that the number of *equites* with the legions was already lower than calculated above by the end of the second century. C. Nicolet may indeed be right in suggesting (*Problèmes de la Guerre à Rome*, ed. J.-P. Brisson, 1969, 117 ff.) that the limited class of *equites equo publico*, at most 2,400 and more usually taken to be 1,800 down to the Social war, were often found in the army, as late as the first century, and not merely as tribunes or *praefecti* (though I suspect that they were commonly *contubernales* of the commander, rather than simple troopers); this can be explained on the basis that they had special obligations and traditions, and might frequently hope to earn social and political advancement by service. It is, of course, plain that this limited class was too small to provide the full complement of legionary cavalry, so long as that complement was required. In the broadest sense of the term, the *equites* had ceased altogether in the first century to be a military class, and this development surely began in the second.

[1] In Italy itself, between 90 and 80, we already find African and Spanish horse with the legions (*ILS* 8888; App. *BC* i. 42, 89).

p. 415. The unpopularity of military service is attested not only by the general resort to conscription in raising new recruits but by the desire that 'veterans' (some of whom had only been under arms for six years or less) often evinced for discharge or for the conclusion of a peace that would make demobilization possible. I gave much of this evidence in *AL* 81 f. Most of it relates to the times of civil wars, and it is obvious that many soldiers must have found it particularly distasteful to fight 'cum hominibus necessariis et consanguineis' (Caesar, *BC* i. 74. 2); on the other hand it was after victory in a *civil* war that the soldiers had the best chance of obtaining the liberal rewards that are commonly supposed to have made them ready to enlist. A few points can be added. Caesar's veterans were especially beholden to him, yet my conjecture (op. cit.) that the mutiny of the ninth legion in 49 was due in part to war-weariness and a desire for peace has the support, for what that is worth, of Lucan v. 243, 272 ff. At all stages of the war with Pompey until the very eve of Pharsalus (Caesar, *BC* iii. 90) Caesar stressed his efforts to bring it to an end without bloodshed; it is true that in Spain his men do not seem to have consistently shared his anxiety to spare the lives of the enemy legionaries (i. 81 f., but cf. 74). In Spain the Pompeians had little stomach for the war and welcomed discharge for its own sake ('praemium missionis'), even without any grants of land or of money (except for back pay), though a few joined up again, and made the difficult journey to fight for Pompey across the Adriatic (i. 86, iii. 88). Most of those under Pompey's own command were not bound to him by long service and had no relish for the war (Plut. *Pomp.* 59, 2); it is significant that on one occasion Caesar made Vatinius proclaim his desire for an accommodation, where he could be heard by both the Caesarian and the Pompeian armies (*BC* iii. 19. 2). By 47 Caesar's veterans, whose service had indeed been exceptionally long, were pressing for discharge and *praemia*; if they were ready to return to arms after his death, it was partly to take vengeance on his assassins, still more (as Botermann has shown) to ensure that they were not deprived of their land allotments. The so-called veterans who fought at Philippi and were discharged in 41–40 as well as those who clamoured to be disbanded in 36, had been under arms only for a few years. It is of special note that the soldiers virtually forced Antony and Octavian to come to terms in 40: their chief wish was to settle peaceably on the farms they had been allotted. All the evidence suggests to me that few men entered the army of their own will; once enlisted, their aim was, naturally enough, to secure *praemia* that would guarantee them a livelihood in civil occupations and to obtain discharge with these *praemia* as early as possible. Prolonged garrison service in distant provinces was far from their aspirations.

p. 422. The basis of this calculation is not clear in the text. I assume that the number of men serving in 15 legions at the end of 215 was about 55,000. The number of legions raised between the beginning of 214 and the taking of the census in 203 was 27, comprising perhaps 121,500 men. In the same period 18 legions were discharged, taking into account amalgamation of serving legions. I assume that the average number of men discharged per legion was 2,500. Thus 45,000 men were discharged, out of 55,000 + 121,500 = 176,500 who served at

any time in this period. If we deduct in addition some 50,000 men still under arms in 203, we are left with 81,500 who died on service. However, this total includes up to 8,000 *volones*, most of whom perished in 212. The number of citizens who died on service was thus about 75,000. This total takes no account of losses on naval service. But the number of citizens with the fleets was probably not large, and in view of the necessary uncertainty of the figures given above, it seems fair to let 120,000 stand as a rough estimate of all citizen war losses from 218 to 203. It cannot be far wrong, unless the much higher casualty figures for Cannae are accepted.

p. 430. In the text I have overlooked the defeat of Cn. Papirius Carbo (cos. 113) at Noreia in Illyricum. He must have had 2 legions. Table XIII has been corrected accordingly; likewise the average number of legions for 117–108 on p. 404.

p. 472. According to Plutarch (*Pomp.* 52. 3) the Lex Trebonia gave Spain to Pompey with 4 legions, of which he lent 2 to Caesar. The second statement is incorrect; Pompey lent only a single newly raised legion to Caesar in 54/53 (p. 467). Probably Plutarch was confused by the fact that in 50 Caesar sent 2 legions to Italy, where they passed under Pompey's command, but one of these he had raised himself. This error suggests that we cannot rely on the exactitude of the first statement. Since Caesar already had 6 legions in 55, and raised 2 more in 54/53, apart from that which he borrowed from Pompey (p. 467), and since Crassus had not less than 8 legions (pp. 461–3), it seems unlikely that the Lex Trebonia limited Pompey to 4; more probably, Plutarch is guilty of another confusion, that of substituting the number of legions which Pompey actually took over in Spain for that which he was authorized to have—if indeed any limit was set. Dio avers that the Lex Trebonia entitled Pompey and Crassus to use as many soldiers as they pleased (xxxix. 33. 2); Cicero claims that Gabinius and Piso had the same right under the Lex Clodia (*Sest.* 24); and even if both allegations go too far, they suggest that it had become common form under laws conferring *imperia extraordinaria* for no restriction to be expressly imposed on the number of legions to be raised, much less the exiguous limit Plutarch attests. The statement by Appian (*BC* ii. 24) that in 52 the senate voted Pompey 2 additional legions may mean only that they voted the sums necessary to pay them, and that need not imply that Pompey had not already raised them, just as Caesar raised 4 legions in 58–57, for whose pay the senate did not make provision until 56 (Cicero, *prov. cons.* 28); given the prevalent hostility to Pompey in the senate before 52 and the anarchic conditions, it would not have been surprising if there had been a delay in voting funds to implement terms of the law. Appian's decree may in fact be identical with that recorded by Plutarch (*Pomp.* 55. 7; *Caes.* 28. 5), under which Pompey was to receive 1,000 talents a year for the support of his troops. For only 6 legions this sum (6,000,000 *denarii*) is astonishingly large; *stipendium* for 30,000 men (and there were probably not so many) at 120 *denarii* a year comes to only 3,600,000. That again suggests that no law or decree limited Pompey to a force of 6 legions; it was a mark of his moderation and of his disbelief that Caesar would resort to civil war that he did not choose to increase the strength of his army in Spain, when he had the right and funds to do so. No doubt,

like Cicero in Cilicia, he could pocket the public moneys he did not spend (cf. *AL* n. 135).

p. 480. The evidence on the number of legions between 43 and 36 has again been reviewed by I. Hahn, *Acta Antiqua* xvii, 1969, 199 ff. I see no reason to revise my main conclusions where they differ from his. Hahn has not grasped the important fact that it was only veterans who were entitled to land allotments after Philippi. But any estimate of the total number of men under arms, based on his reconstruction, would not be substantially different from mine. On some points of detail (e.g. the fate of some of the Antonian legions in Italy in 40) Hahn's conjectures may be right; he supposes that Pollio joined Domitius Ahenobarbus with 5 legions (cf. App. v. 50; Vell. ii. 76); the evidence permits no certainty. Hahn is justified in stressing the general reliability of Appian, where he supplies precise information.

p. 543. I was not aware, when I wrote this page, that since the original excavations the archaeologists have come to the view that the earliest wall at Minturnae is itself that of the Roman colony and that there is no trace of a previous Ausonian settlement on the site; cf. B. W. Frier, *Historia*, 1969, 510 ff., who suggests that the Ausonian town Rome destroyed must be located elsewhere. Of course these findings strengthen the scepticism I expressed about Johnson's theory that the population of the colony was mixed as early as 295.

p. 554. Professor Alan Watson has pointed out to me that Gaius' silence on the *actio quod metus causa* need be no more significant than his silence on many other actions and institutions, e.g. *commodatum*, *depositum*, and *actio de dolo*.

p. 565. For those who think that Junian Latinity was introduced by a law of A.D. 19 the *ius anniculi* is naturally irrelevant for Augustus' ideas (unless it be supposed, plausibly enough, that Tiberius shared them), but see H. M. Last, *CAH* x. 888 ff.

p. 571. Toynbee ii. 662 writes that 'a forum named after a member of a Roman noble gens is likely (unlike a forum named after some non-Roman nation) to have been a settlement of Roman citizens who retained their citizenship'. I see no force in this suggestion, which would, if correct, invalidate many of the conjectures I have made about the origins of *fora* in Cisalpina. Forum Licinii in Orombovian territory can hardly have been a settlement of Roman citizens, if founded before 89, or rather 49. One can also think of such provincial towns named after Roman magistrates as Aquae Sextiae, Brutobriga, and Gracchuris; it seems immaterial that they are not styled *fora*, and in any case even Forum Domitii and Forum Voconii (p. 570 n. 1) are decisive against Toynbee.

p. 668. It is very significant that on so many different occasions the number of ships actually operating is smaller than the number supposedly available. As shown in the text, these discrepancies are easily explicable, though they are not in general explained even by implication in the sources. I am disposed to think

that this should strengthen our faith in the numbers the annalists recorded; they sometimes wrote down what they found in their data, without attempting or being able to interpret it.

p. 669. It might be conjectured that ex-rebel cities, not excluding Capua, were required to furnish rowers for the fleets, soon after they had been subdued; it would have been risky to employ soldiers in the field, whose loyalty was questionable, but no like objection applied to conscribing these allies for naval service.

POSTSCRIPT TO REPRINT OF 1987

IN reprinting this book the publishers have permitted me to correct or supplement some passages in the text and notes, which required no substantial resetting: the alterations are mostly enclosed in square brackets, and concern details. In what follows I shall discuss in A general questions that concern the main theme of Part I, and in B add select bibliographical references and a few of the modifications to my original views which I could not within the given limitation introduce into the reprinted text. No change has been made in the indexes.

A

One of my reviewers, H. Braunert (*ZSS* xci, 1974, 487 ff.), contended that while it can be taken as certain that there was under-registration in a Roman census we have no means of determining its extent', and another, K. Hopkins (*JRS* lxii, 1972, 192 f.), observed that we should not assume a constant margin of error. Table VI (p. 70), which assumes such a constant margin from 168 to 124, must of course be regarded as an illustrative model; I conceded that it was intrinsically probable that under-registration increased (p. 80), and arbitrarily conjectured that it rose to nearly 18 per cent in 69 and perhaps to 25 per cent in the Augustan censuses (which there is not the slightest reason to treat as more accurate: much rather, the reverse). Naturally I do not set any value by the precise percentages, but it seems to be inconveivable that the second-century censuses were so grossly inaccurate that they bear no relation to the true number of Roman citizens, while the figure for 69 seems to me in rough accord with that proportion of citizens and loyal allies to the rebels of 90 which we might expect, given that the former were victorious in the war, and with the data for 225, but to be wholly incompatible with the Augustan returns except on the hypothesis that the latter included women and children.[2] Braunert appears to deny

[1] Braunert remarked that I was wrong to suppose that soldiers serving abroad were necessarily *incensi*, as some would be *in patria potestate*, and it was the duty of the *pater* to register them. This is correct; hence my figures for *incensi* require some modification in detail, though it would be mere conjecture, once again, to determine the proportion of legionaries who were *sui iuris*; given a life-expectancy at birth of 30 or under, it would be high. Braunert also stresses that the censors had to depend on the readiness of citizens to make census declarations: they had no machinery for searching men out. On this matter see pp. 33 f. Fear of the legal penalty for non-registration was perhaps less important than the tradition of civic obligation which the law mirrored.

[2] Dionysius of Halicarnassus (iv. 15, 4 f.), citing the *Annals* of Piso, shows that it was supposed that the Servian census included women and children, as Pliny thought (p. 113). It would have been in conformity with his revival of other obsolete practices if Augustus adopted this system. (J.-C. Richard, *Les Origines de la plèbe romaine*, 307 f., has demonstrated the impossibility of the Servian figure, however interpreted.)

the validity of this hypothesis, and to see no way of reconciling the Republican and Augustan totals. This implies that if the latter are accepted, as comprising only adult males, the Republican data are entirely worthless. No doubt my tables suggest more exactitude than can be justified. But if they are very wide of the truth, we are reduced to complete agnosticism.

Braunert was right to stress that my estimates of slave numbers are purely conjectural, though I think it proven (p. 67) that they were already numerous in the Hannibalic war, cf. now W. V. Harris, *War and Imperialism in Republican Rome*, 1979, 59 and 63. It is obvious that they had enormously increased by the first century, but it may be prudent to give no figures.

Beloch estimated the population of the Roman empire in Augustus' time as 50–60 millions. My figure for the population of Italy, though it allows for a million more slaves than his, is unlike Frank's congruent with this estimate. This does not at all confirm its credibility. For almost every part of the empire we have no evidence remotely comparable in value with the census figure for Roman citizens. Beloch's grand total derives its plausibility chiefly from his interpretation of the Italian data; if the population of Italy was of the order of magnitude that we both suppose, then that of other parts of the empire can hardly have been much greater than he held, but we have no justification for arguing from a largely conjectural estimate for the number of inhabitants in the empire to any interpretation of the Roman census figures. I may add that in my judgement all hypotheses about the subsequent demographic history of the empire are mere guesswork; we may believe, but cannot prove, that there was some growth in the following 150 years, especially in certain regions, resulting from internal peace and prosperity, and later a decline, following the pandemic which first occurred under Marcus Aurelius, and the anarchy of the third century (cf. A. H. M. Jones, *The Later Roman Empire*, 1040 ff.).

My estimate of citizen number implies that on average an Italian municipality in Augustus' time had some 2,630 adult male inhabitants, including both urban and rural dwellers (p. 126). Since I wrote, R. Duncan-Jones has done further research on the size of municipal populations.[1] He rightly rejects all methods of assessment except analysis of epigraphic evidence for the number of recipients of distributions to local citizens, or in some instances to members of the *plebs urbana* alone. In Italy there are nine cases. He himself remarks that 'the sample is too small to be a sound guide in itself'; it may be added that none of the inscriptions he analyses are earlier than Domitian, and that we have no right to suppose that the population of Italy, or of the particular communities in question, had not undergone any significant change since A.D. 14. His own view, expounded with exemplary care

[1] His *Economy of the Roman Empire*, ch. 6, supplements and supersedes the article cited on p. 127 n. 1.

and caution, is that on the most probable interpretation the numbers of recipients suggest a much higher population than would easily accord with my deductions from the Augustan census figures; however, the minimum figures, which he is not disposed to accept but which he cannot show to be impossible, give an average of under 2,000 adult males for the nine municipalities, admittedly in one or two cases relating to urban dwellers alone. There is nothing here to disprove my conclusions in chapters IX and X.

As to the citizen population, I assumed, perhaps hastily, that adult males constituted between 28 and 31 per cent of the Italian free population in 225 B.C. (p. 59) and that in the first century for various reasons the proportion rose to 35 per cent or more (p. 116 f.). In fact, however, in my calculations of the number of adult males implicit in the Augustan enumerations, and therefore of the number of all citizens implicit in the enumeration of adult males only in 69 B.C., I was using 35 per cent as a proportion not of all persons of citizen birth but of those more than one year old, since I had argued that infants below that age were not counted by Augustus.[4]

The ratios of 28–35 per cent for all males aged over 17 to all persons ever born are no doubt much too high for any society comparable to that of ancient Italy with a normal age and sex structure. Data from later societies with similar standards of medicine and hygiene shows that the expectancy of life at birth must have been between twenty and thirty years, cf. K. Hopkins, *Death and Renewal*, 1983, 72; 100 f.; 146 ff.; B. W. Frier, *Harvard Studies in Classical Philology*, 1982, 213 ff.; *Phoenix*, 1983, 328 ff. Model Life Tables have been constructed on these data in A. J. Coale and F. Demeny, *Regional Model Life Tables and Stable Populations*, i 1983; of these the Model South Tables, suggested by data from early modern southern Italy, Spain, and Portugal, may be the most applicable, since unlike the others they show as many adult males as adult females; since female freeborn infants were more likely to be exposed than male in ancient Italy, and since males surely preponderated among slaves and therefore among libertine citizens, parity between the sexes in adult years is the least we can assume for ancient Italy, especially in the first century, when manumissions had become frequent. The models suggest that between a third and a quarter of those ever born would have died in their first year, and that males aged 17 and over could have comprised only 20–25 per cent of the population. Frier finds confirmation of this age structure in Ulpian's life table, which he seeks to rehabilitate (*contra* p. 132 n. 2), and in skeletal remains from Pannonia, and to a less extent (as he has kindly informed me) from Egyptian papyri (see M. Humbert and C. Préaux, *Recherches sur le recensement dans l'Égypte romain* 1952) and from African tombstones. However, the Model Life Tables make 35

[4] The fact that in epigraphic and papyrological evidence deaths in infancy are underreported may be thought to support the view that infants were not thought worth registering; so many were certain to die soon.

per cent a credible proportion of all those who had survived their first year.

It may well be too low, even though the censuses of 69 and 28 would have reflected an exceptionally high rate of mortality among men involved in the sanguinary wars of the 80s and 40s. (a) The proportion of adult males in the citizen population would be swollen by the manumissions of slaves, more often male than female, and hardly ever children. (b) The exposure of freeborn infants, whether or not they were brought up as slaves, (see now W. V. Harris, *Memoirs of American Academy at Rome*, xxxvi, 1980, 117 ff. and *CQ* xxxii, 1982, 114 ff.) may have artificially reduced the number of children in the citizen population, even though some of the victims may well have been sickly, and would in any case not have survived long. (c) If there was in truth a shortage of women of child-bearing age among citizens (pp. 151 ff.), the population concerned must have been in decline (cf. p. 131), and this means that each cohort of males aged (say) 25 corresponded to a cohort of infants at the same date which was smaller than the cohort to which they had belonged themselves at birth. Of course, if this shortage had been severe, the population would have diminished rapidly in successive generations, as the texts of Pliny and Livy cited on p. 414 might suggest that it did, and we might think that the decline is concealed from us only by the growing proportion of slaves and provincials enfranchised. However, in A.D. 48 Claudius enumerated 5,894,072 citizens, according to the only trustworthy manuscript of Tacitus, *Ann.* xi 25; late sources, which we may discount, make the total a million more (Beloch, *Bev.* 371). It is unlikely that the enfranchisement of provincials between 14 and 48 had accelerated; there is nothing to show that even under Claudius, who was in principle liberal with the franchise, the beneficiaries of his liberality were so numerous as to be statistically significant.[3] Conceivably reproductivity was higher among citizen communities overseas than in Italy, but the great majority of those enumerated in 48 must still have been Italian residents. Perhaps the peace and prosperity of the Principate had arrested a slow process of decline, but it can hardly have attained a catastrophic rate earlier.

For all these uncertainties it seems to me that the figures proposed for the free population of Italy excluding infants for the time of Augustus are of the right order of magnitude.

[3] He gave colonial or municipal status to only a dozen provincial communities, not all before his census. Viritane grants of citizenship, including the automatic promotion of ex-magistrates in Latin cities, went chiefly to individuals of relatively high social rank, except for grants made to recruits for the legions and to veterans on discharge from the fleets and *auxilia*; but a high proportion among the former were probably still citizens by birth, and it is uncertain how soon the enfranchisement of the latter became systematic (p. 243). Serving soldiers could not legally marry, and their bastard children, except by special privilege, would take the status of their mothers.

B

pp. 35 ff. with Appendixes 1–3. It was vital to my view of the reliability of the Republican census figures that citizens could register with local magistrates, and that this thesis was consistent with a true understanding of the extent of the powers these magistrates possessed. The subsequent investigations of W. Simshäuser (cited 534 n. 4), and more especially of M. Humbert, *Municipium et Civitas sine Suffragio*, 1978 (not merely his remarks on local censuses pp. 310 ff.), fortify this belief. In detail I would now slightly modify App. 3, see e.g. my forthcoming *Fall of the Roman Republic*, ch. 2, App. III. See also the new notes on pp. 523 and 534.

pp. 55, 87. On the use of Etruscan serfs as soldiers and on the survival of serfdom to the Social war see W. V. Harris, *Rome in Etruria and Umbria*, 1971, ch. IV and VI 1.

p. 115. Since 200,000 sesterces was ultimately not to be the minimum for liability to the *vicesima hereditatum*, the view propounded in n. 4 is probably wrong (cf. W. Eck, *Die staatliche Organisation Italiens in der hohen Kaiserzeit*, 1979, 125). Perhaps Augustus was thinking of a possible tax on property, of and above that sum.

p. 163. J. Heurgon, *CRAI 1969, 526; St. Etr.* 1970, 331 draws evidence from Etruscan inscriptions for Etruscans settling in Tunisia. Nothing compels us to thinks this indicative of peasant settlement.

ch. XIII. My purpose was to show that the almost purely qualitative evidence for the population of Cisalpina, though in itself it may favour a higher estimate of its density than I propose (cf. T. S. R. Broughton's review in *AJP* 1973, 198), is compatible with my figure, which alone fits the interpretation of the Augustan census figures that I consider necessary on other grounds. For bibliography on the economy of the region see P. Tozzi, *Athen.* 1976, 297 n. 6, cf. also P. Garnsey, *PBSR* xliv, 1976, 13 ff.

ch. XIV. A better modern parallel for the postulated exaggeration of the number of Mithridates' victims (p. 227)[6] is to be found in contemporary estimates of the carnage among Protestant settlers in Ulster in 1641: they varied from 40,000 to 300,000, but the English settlers, who alone were touched, numbered only 20,000 and *A New History of Ireland*, ed. T. W. Moody and others, 1976, 291, cites as plausible

[6] Appian, *Mith.* 58 (Posidonius?) makes Sulla complain to Mithridates that he had massacred 1,600 Greeks and then refer to the massacre of Italians; yet the first atrocity was hardly worth mention if 80,000 Italians had perished.

Lecky's finding that only 4,000 were killed, and 8,000 died of privations. The belief that there were over 80,000 Italians in Asia alone in 88 has done most to create the impression that hundreds of thousands were resident overseas at this time. Italians who settled overseas after 69, who were admittedly very numerous, were chiefly descendants of citizens who had had a good chance of being registered in 69, when still domiciled in Italy. On Appendix 12 cf. my forthcoming *Fall of the Roman Republic*, ch. 5, App. II.

ch. XV with pp. 214–17 and Appendixes 13–16. Uncertainty often attaches to the attribution of colonial or municipal status to overseas communes, or to the dates at which this status was secured. Hence the division of colonies into pre- or post-28 foundations is precarious, and lists of both colonies and *municipia* are subject to revision. I have made some textual changes in pp. 215–16, 583–4, 591–2. Naturally it is impossible to alter the numeration of colonies and *municipia* in the Appendixes as a result of the addition, subtraction, or transposition of a few communes. See now on titulature as a criterion for dating Keppie (op. cit. p. 84 n. 4) pp. 14 ff. and B. Galsterer-Kroll, 'Untersuchungen zu den Beinamen der Städte des Imperium Romanum', *Epigraphische Studien*, 1972, and for views sometimes diverse from those accepted in the text, and perhaps correct, B. D. Hoyos, 'The Romanization of Spain' (Oxford D. Phil. thesis, 1971), and *RIDA* XXII, 1973, 249 ff.; H. Galsterer, *Untersuchungen zum röm. Städtewesen auf der iberischen Halbinsel*, 1971, R. Wiegels, *Bonner Jahrb.* clxxiii, 1973, 560 ff. and *Chiron* iv, 1974, 153 ff.; J. Wilkes, *Dalmatia*, 1969, chs. 9 and 10, F. Vittinghoff, *ANRW* ii 6, 3 ff. For example, Hoyos makes a good case for the foundation of Norba (C34) by C. Norbanus Flaccus, proconsul in Spain 36–4, and regards Hasta Regia (C 14) and Iptucci (C 15) as Caesarian, and Metellinum (C 35) as a foundation of Metellus Pius; he also remarks (p. 308 n. 6) that Lepidus seems to have enfranchised numerous Africans (the index to *CIL* viii contains 400 Aemilii as compared with 2,000 Iulii, and no later Aemilii governed Africa or Numidia till Commodus' reign); Lepidus may then have constituted several Roman communes there. In Africa some Romans were settled in *pagi* by Augustus (*ILS* 9400), and S. Mitchell, who adds Iconium to Levick's list of colonies in Pisidia given on p. 600 (*Historia*, 1979, 409 ff.) points out that veterans were also settled in the territory of neighbouring cities which never became colonies (*ANRW* ii. 7. 1067); he estimates that in all 15,000 veterans were found homes there. As to the enfranchisement of provincials in colonies, Hoyos 144 points out that this is recommended in Sall. (?) *ad Caes.* ii. 5. 7 f.; if the letter is spurious, it may well reflect Caesar's actual practice. As to that of auxiliary soldiers, Suetonius refers to *diplomata* of citizenship issued by Augustus and Tiberius, not necessarily to veterans (*Gaius* 38, 1); P. A. Holder, *The Auxilia from Augustus to Trajan*, 1980, 57 ff. has collected the possibly attested cases of enfranchisement. As to the numbers of

Italians participating in a colony, Wilkes, op. cit. 1969, 226, estimates 400 families newly settled at Salona under Augustus and cites estimates of Suić for five communes in north-eastern Italy and Dalmatia which give an average of just over 1,000. The calculations of the population of two African cities at a later date made by Duncan-Jones (see n. 3) plainly have little bearing on the average number in the new foundations of our period. All the various adjustments that might be made in my exposition would not affect the necessarily rough estimates on pp. 262 f.

ch. XIX. Keppie's work (p. 84 n. 4) is of the first importance on allotments from Caesar's time, and sometimes relevant to earlier settlements, notably on the value of the *Gromatici* and the *Liber Coloniarum*. His chapter 4 improves on my section (ii).

ch. XX, pp. 370 ff. On transhumance see now E. Gabba and M. Pasquinucci, 'Strutture agrarie e allevamento transumante nell' *Italia Romana;* in *Ktema*, ii, 1977, Gabba had already argued that the *pax Romana* cannot have been a precondition of transhumance, since it is archaeologically attested in prehistoric times (cf. D. H. Trump, *PBSR* xviii, 1963, 1 ff.). However, a practice that had existed before the population at least in the plains and valleys had been broken up into separate and often mutually hostile communes, depending primarily on cultivation of the soil, can hardly have continued without interruption thereafter until a single power had imposed its authority alike over lowlanders and highlanders; the continual struggles, which Roman conquest terminated, between peoples in the hills and cities of the plain like Rome were probably due in part to the desire of the former to control all-the-year-round pasturage for their beasts. *FIRA*: i², no. 61 illustrates the friction that must always have occurred between agriculturists and stockmen; no independent agricultural commune would have tolerated the depredations of alien *pastores*.

ch. XXI. My account of the corn supply and distribution at Rome is superseded by G. Rickman, *The Corn Supply of Rome*, 1980; in particular I misdated the lex Octavia (p. 377), which must be placed *c.* 100. I think that in Suetonius, *Aug.* 41 (p. 382 n. 2) we should read 'quarto decimo' for 'undecimo' (cf. J. R. Rea, *Oxyrhynchus Pap.* xl, p. 13); i.e. boys were eligible for *congiaria* from what was deemed to be the age of puberty; when Suetonius says that Augustus did not pass over younger boys, he is probably generalizing from the single instance in 29 B.C. recorded by Dio li. 23. 3. Pliny presumably refers to a similar action by Trajan (p. 387); Augustus too may have made free birth a condition. I assume with van Berchem that the same persons were normally eligible for *congiaria* as for the corn dole. If 14 was the qualifying age, then in Trajan's reign there were only 5,000 freeborn boys qualified aged 2–14. Seneca remarked that most of the city's

inhabitants came from the *municipia* and colonies, i.e. from the Italian towns, or (presumably with reference chiefly to slaves and freedmen) from the whole world (*ad Helv.* 6.2); in other words the urban population was far from reproducing itself.

It was only on the presumption of extremely low fertility among the city dwellers and of what may be thought an unduly high estimate of the ratio of freedmen to slaves in the city that I suggested (p. 383) that the population of Rome could have been no more than 750,000 under Augustus; any figure which falls substantially below this minimum is flagrantly incompatible with the number of dole recipients. (The statement made there that there was no middle class takes too little account of shopkeepers and artisans, but though not all poor, they were doubtless corn-recipients.)

ch. XXII. In the light of W. V. Harris, *War and Imperialism in Republican Rome*, 1979, 102 ff. I now think that I rather under-rated the readiness of citizens to undertake military service in the hope of booty; it was when campaigning was likely to be hard, prolonged, and unremunerative, as in Spain, that there was resistance to the levy. This is among the criticisms, urged by J. W. Rich in an able article with ample bibliography on all matters discussed, *Historia*, xxxii, 1983, 287 ff. He convinces me on one point; we can have no confidence in the hypothesis advanced by Gabba and modified by me (pp. 77; 402 ff.), that the contradictory statements in our sources on the property qualification required for *assidui* must be referred to different periods, and show that the qualification was lowered twice to make up for deficiencies in the number of those liable to conscription; certainly my illustrative figure of 75,000 for *assidui* in 214 is impossibly low. The devaluation of the coinage must in any event have progressively extended the range of liability, unless the minimum property qualification was proportionately raised. This will affect the argument on 64 ff. criticized by Hopkins in his review already cited. Rich indeed concedes that the expropriation of peasants must have tended to diminish the number liable. To his bibliography on the relevant agrarian changes add various contributions in G. Cherubini and others (edd.), *Storia della società italiana*, ii, 1983, including mine, and my revision of *AL* in *The Fall of the Roman Republic*, ch. 5. In particular the occupation by the rich of public land must have been detrimental to peasants who needed to be able to exploit it, in order to supplement the yield from small holdings inadequate for family subsistence (p. 184, cf. now on the *ager publicus* available in colonies H. Galsterer, *Herrschaft und Verwaltung im republikanischen Italien*, 1976, 46 ff., and see also my remarks in *JRS* lxii, 1972, 158). No doubt the somewhat vague generalities in literary sources on the decay of the peasantry must be reviewed in the light of archaeological data, but for this purpose it is essential that the date should be widely distributed, since conditions possibly or probably varied greatly from one locality to another, and that they be accurately

dated and interpreted by purely archaeological criteria, without presuppositions derived from conjectural constructions of the literary evidence or from a *priori* theorizing. Rich does not subvert my argument (75 ff.) that Ti. Gracchus and his contemporaries would have known from the details of census returns what we do not, that the more or less stable number of citizens registered concealed a sharp and developing decline in the number of *assidui*. As to Marius' enrolment of *proletarii*, I accept his view that his aim was to curry favour with even poor supporters who hoped for enrichment in his service, and that it was not the precedent he set but the immense demand for legionaries in and after 90 that made it inevitable that the property qualification for military service should be altogether abandoned.

ch. XXV p. 447. The heavy demands on manpower in the 70s apparently resulted in the enlistment of *seniores* (Sall. *Hist.* iv. 21).
p. 448 n. 8. Cf. 689 n. 2. Schulten, *Sertorius*, 79, thought that Perperna's 53 cohorts could be identified with the 20,000 foot and 1,500 horse attested as under his command in Livy xci, fr. 18, a cohort thus being 400 strong. Gabba (*Esercito e società nella tarda Repubblica Romana*, 302) held that he had recruited them partially among Italian residents in Spain, a conjecture that need not affect the views I expressed on 230–2. Sertorius had recruited some such Italians (p. 470).

ch. XXVI, pp. 490 ff. Keppie, (op. cit. 84 n. 4) 58 ff., offers a slightly different analysis and concludes that some 46,000 veterans were entitled to settlement. Dr. C. Pelling has privately suggested to me that Appian's figure of 170,000 refers to the total number of legionaries who were to receive donatives or land, mostly only donatives. I now think this is right; the total, however, unrealistically assumes that each of the triumvirs' 28 legions was 6,000 strong (App. 27).

Appendix 5. On admission of other Italians to Latin colonies cf. Galsterer (cited under ch. XXII), 54; W. V. Harris, *Rome in Etruria and Umbria* 158 f.; M. W. Frederiksen, *Campania*, 1984, ch. IX n. 5 on Cales..

Appendix 6. Cf. Harris, op. cit. 85 ff., and both on this Appendix and 26 V. Ilari, *Gli italici nelle structure militare romane*, 1974, who reaches conclusions that differ from mine only in a few details after a much more thorough examination of the evidence.

Appendix 9. The fullest and best of recent treatments of the marriage laws is now that of D. Nörr, *Freiheit und Sachzwang* (ed. H. Baier), 1977.

Appendix 11. See now E. Ruoff-Väänänen, *Studies on Italian Fora*, Historia Einzelschr. 32, 1978 for fullest statement of evidence, whether or not she is right on the primarily jurisdictional function of *fora*.

Appendix 17. Keppie (Part Two) exhaustively considers the evidence for triumviral and Augustan colonies (and therefore in some cases for earlier colonies) in Italy. Mommsen's list is no longer up-to-date.

Appendix 18. Julian de Zulueta, 'Malaria and Mediterranean History', *Parasitologia*, xv, 1973, 1 ff. seeks to explain the historical data in terms of climatic conditions favouring or hampering the spread of particular species of vector mosquitoes. In my view he does not account for the variations in the incidence or virulence of malaria in certain regions from period to period, notably since Roman times. (In one place he misrepresents my opinion, by writing as if I had propounded any theory on depopulation in antiquity). The hypothesis suggested in my last paragraph is analogous to the convincing theory on the Thucydidean plague at Athens presented by J. F. C. Polle and A. J. Holladay, *CQ* 1979, 282 ff.

Appendix 19. For another view see E. Rawson, *PBSR* xxxix, 1971, 13 ff. She holds that in Polybius' time the *dilectus* was still held at Rome, except perhaps for citizens in colonies and *municipia;* they could have constituted only a small proportion of those liable. I still think this would have been too impractical a procedure. E. Gabba shows that according to 'tradition' (which may have little value) *dilectus* and *tributum* were both based in the earliest times on the Servian centuries, not on the tribes (in *Armées et Fiscalité dans le Monde Antique*, Colloques Nationaux du C.N.R.S. 5, App. II).

Appendix 26. Cf. Ilari cited on App. 6. Note that Diod. xxxvi 7 gives L. Lucullus, praetorian commander in 198, 14,000 Italian troops (one legion plus *socii*) and 2,000 other auxiliaries (including Lucanians!) and then (id. 8) makes the total 17,000.

ADDENDA

p. 700 on p. 28. See now M. H. Crawford, *Roman Rep. Coinage*, 1974, 623.

pp. 703–6 on p. 135. For general dependence of Italian cities on food supplies from their own territories cf. Vitruv. i. 5. 1; ii. *pr.* 3. For Pisidian cities see Levick 96 f., cf. Philostr. *v. Apoll.* 1. 15 on Aspendus. J. Stevenson in R. Quinault and J. Stevenson, *Popular Protest and Public Order*, 1974 gives interesting examples of necessary reliance on regional production in England *c.* 1800, where land communications were surely easier than in ancient Italy. On land transport in antiquity see now esp. R. Duncan-Jones (cited n. 3), App. 17. As in mediaeval Italy (cf. D. Waley, *Italian City Republics*, 1969, 93 f.), the costs made it inevitable that most Italian communities should aim at self-sufficiency in cereals; for the universality of cereal production in the peninsula see Brunt, *JSR* 1972, 156, and more fully, the monograph to be published

by the Society for Roman Studies on cereal cultivation in Italy by Steven Spurr. Lack of transport facilities still reduced the people in the remoter parts of France to subsistence at very low levels from what could be grown locally, for much of the nineteenth century (Eugen Weber, *Peasants into Frenchmen*, 1977, ch. 9 and 12). Chronic undernourishment must have been very common in ancient Italy, see e.g. Sen. *ep.* 18. 10 (incidentally no wine); Hermas the Shepherd, *Vision* iii. 9. 3 ff. It must have increased the incidence of disease; note Sen. *de benef.* vi. 9. 2: 'quam multos militiae morbus eripuit', cf. the remarks on *euandria* on pp. 76 f. As to famines (see the index) G. E. M. de Ste. Croix, *Class Struggle in the Ancient Greek World*, 219–21 has collected some examples, cf. also P. Garnsey and C. R. Whittaker (edd.), *Trade and Famine in Classical Antiquity*, 1983.

pp. 708 f. On p. 182. Varro's disproportionate interest in horse-breeding and in *villaticae pastiones* illustrates how the agronomists were principally addressing an upper-class readership, which attached value to the beauty as well as the productivity of estates (*RR* i. 2. 10; 4, 2 f.; cf. Colum. iii. 21, 3); for Cicero (*de sen.* 53) vineyards have the most pleasing aspect. I am not persuaded by the attempt of N. Purcell (*JRS* lxxv, 1985, 1 ff.) to depreciate Republican senators' interest in viticulture. See now on consumption and production of wine in Italy A. Tchernia, *Le Vin de l'Italie Romaine*, 1986.

p. 711 on p. 308. I should have cited C. Hardie, *JRS* lv, 1965, 122 ff., but see now Keppie 175.

p. 714 on p. 472. M. H. Crawford, *Rom. Rep. Coinage*, 696 f., is evidently right that a legion in the first century was deemed to cost 1,500,000 *denarii* a year, though this can only be explained on the basis that a high proportion went to the general's staff. However, his view does not make sense of the sum voted to Pompey in 52; perhaps he was given funds to raise 4 legions additional to the 4 already in Spain, and in fact raised only 3, including the *legio vernacula*.

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INDEXES

THE Index Locorum registers a selection of texts, which I have discussed or commented on, and not merely cited.

In the Index of Persons I have normally given Romans their full names; the *gentes* and, within the *gentes*, the *familiae* appear alphabetically, but within that framework individuals are catalogued chronologically. The year of a magistracy is inserted purely for identification, whether or not a man's activity in the year concerned is mentioned; for this purpose it suffices to name a first consulship and is unnecessary to distinguish a suffect consulship. The symbol † follows an entry, when some or all of the pages cited relate to the man's military commands or the strength of his forces. Mere citations of ancient authors (e.g. Cicero), and some uninformative allusions to leading figures, are omitted, and I have not registered references to modern writers.

The Index of Places and Peoples is divided into two sections, one including ancient Italy (not the islands), the other all non-Italian entries. In the second section I have affixed (C) or (M) after the name of a town which is taken to have become a colony or *municipium* before A.D. 14; the pages cited not do necessarily all refer to the time when it enjoyed either status.

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